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OFFICIAL REPORT
(HANSARD)

Thursday, June 14, 2018

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, June 14, 2018

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

100 WOMEN WHO CARE

Hon. Gwen Boniface: Honourable senators, there is a groundswell of goodwill happening in the South Georgian Triangle that I would like to share with you. Last summer, I met the leader of a group of caring women from my home region who were in the process of creating a local chapter of the growing 100 Who Care Alliance in support of local charities.

The 100+ Women Who Care concept was originally the idea of Karen Dunigan of Michigan in 2009, after she was approached to help fill a need for cribs, mattresses and bedding for single mothers. She decided to invite 100 women to a meeting and asked each to pledge $100, and the trend began.

Now there are more than 550 chapters worldwide and 73 in Canada. And, while women have initiated this movement, other chapters including men, children and teens, and virtual chapters, have been created. The 100+ Who Care concept is a powerful, winning formula because it requires a minimal amount of time and financial commitment for maximum effect, which complements the hectic lives that people lead today. The movement builds bridges between those in need and the people in their communities who have the means and the interest. It demonstrates that by working together, people can have a tremendous impact on communities. And it is not only the charities that benefit from the efforts; members have enjoyed being part of something special, with the knowledge that they made a real and lasting difference in their communities and in the lives of the less fortunate.

The 100+ Women from the South Georgian Triangle began recruiting members this past summer and started their local chapter with just five members. Membership has grown, mainly through word of mouth, and their numbers have increased. At their most recent meeting in April, the group had grown to 180 members intent on making a difference by pledging $72,000 over the next year to support worthy local causes.

The first recipient of their donations is Home Horizon's Barbara Weider House, a not-for-profit charity providing traditional housing to homeless women, children and youth in Collingwood. Most recently, the Victim Services Bruce Grey Perth group was the chosen charity to receive a financial boost.

Fellow senators, it is these types of grassroots efforts in small communities that demonstrate not only the power that one simple idea can have but also how sharing your ideas and combining resources can have a tremendous impact on the lives of others. I would like to salute the 100 Women — and growing — of the South Georgian Triangle chapter as they inspire others to take similar actions to impact worthy causes in communities across the region.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Yves Tiberghien, accompanied by his spouse Yvonne Xiao and Haochen Li. They are the guests of the Honourable Senator Woo.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

[*Translation*]

NEW BRUNSWICK

Hon. Rose-May Poirier: Honourable senators, with summer approaching, I want to invite you to come and spend some time in my beautiful province of New Brunswick. I will tell you about 10 beautiful natural wonders that you can explore there this summer.

New Brunswick has over 50 beaches, which are all open to the public. The five most popular are the beaches and dunes in the Kouchibouguac National Park, which is very close to where I live in Saint-Louis-de-Kent; the Bouctouche Dunes, which are, of course, located in Bouctouche; Parlee Beach in Shediac; Grand-Anse Beach on the Acadian Peninsula; and finally Miscou Beach on Miscou Island, which is also on the Acadian Peninsula. The beautiful July sun, clear blue water, and white sand beaches are waiting there for you.

[*English*]

Not only do we have magnificent beaches, but we have other wonderful and unique attractions. Magnetic Hill in Moncton is a prime example of an optical illusion known as a gravity hill.

Drive to the end of the road and, with your car in neutral, you can roll backward to the top of the hill. That is a true story.

[*Translation*]

While you are in Moncton, you have to see the Petitcodiac River tidal bore, which is one of the most impressive tidal bores on the planet. It rivals the tidal bores in the Hooghly River in India and in the Brazilian Amazon. The waves in the Petitcodiac River can reach up to two metres in height and travel at speeds of up to 13 kilometres an hour.

If you continue your journey south, you will arrive at the Hopewell Rocks on the Bay of Fundy, where you can explore the ocean floor and walk among the huge flowerpot rocks. Just be careful because the tide comes in very quickly.

[*English*]

As the ninth attraction, Reversing Falls in Saint John, where underwater ledges roll the water in two directions at the same time, is quite impressive. The narrow gorge empties into the Bay of Fundy, and the tides force the flow of water to reverse against the current when the tide is at its peak.

Last, but not least, is our best asset: the people of New Brunswick.

[*Translation*]

Our warm welcome will make you smile. Whether you are just passing through or staying for a little while, come and see us, "v'nez nous 'ouaire," as La Sagouine would say. New Brunswick welcomes you.

Thank you.

Some Hon. Senators: Hear, hear!

[*English*]

EID UL FITR

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak on Eid ul Fitr and to say to all honourable senators *Eid Mubarak*. Eid ul Fitr marks the end of the Islamic holy month of Ramadan. It is one of the most important religious and festive holidays for all Muslim communities.

To mark this important occasion, Muslims will celebrate by attending special morning prayers, exchanging greetings and gifts and sharing a special meal. At the end of this month of reflection, we think of all the Muslims and all the poor people who have been displaced or affected by conflict and who are separated from their family during Ramadan.

Today we are reminded of the hundreds of thousands of Yemeni people who have been attacked. Honourable senators, the fourth anniversary of the war in Yemen is approaching, and there are few signs that the war will be ending any time soon. As many as 250,000 people may lose their lives. Save the Children says an estimated 130 children die every day in war-torn Yemen from extreme hunger and disease.

Senators, I would like to share with you the life story of Tinal. Tinal is one of those children who died. At only eight years old, she witnessed her parents being executed in Yemen. Tinal put her fear and grief aside to care for her three younger siblings while her older brother left the family home to find food and water. Tinal would feed her young siblings dried grass and tree leaves. In the hopes her brother would return in time, and in a state of complete desperation, the children ate dirt and clothing.

• (1340)

Sadly, when her brother returned home, he found the bodies of his four younger brothers and sisters.

Honourable senators, this is the reality of Yemen. Today I call upon my brothers in Saudi Arabia, Iran, Yemen and Syria: Stop the carnage and resolve all issues at the peace table. During this holy month of Ramadan, if we truly believe in the message of the Prophet Muhammad, I ask those countries to stop the carnage and sit around the peace table. The time has come to create peace. That is what Ramadan means.

Thank you to all of you for listening. *Eid Mubarak* to all of you, honourable senators, and to Canadians. Thank you very much.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Principal Rocco Coluccio. He is accompanied by teachers and students from Islington Junior Middle School. They are the guests of the Honourable Senator Marwah.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

[*Translation*]

FISHING INDUSTRY IN NEW BRUNSWICK

Hon. René Cormier: Honourable senators, I rise today to pay tribute to the fishing sector workers of the Acadian Peninsula, in New Brunswick.

As we know, following confirmed sightings of right whales in the North Atlantic, the federal government had to make the difficult decision to temporarily close certain fishing areas. On June 11, the Department of Fisheries and Oceans issued a temporary closure notice for 10 fishing zones due to the presence of three right whales off Miscou Island on the Acadian Peninsula.

[*English*]

According to a study published in March 2010 by the economist Pierre-Marcel Desjardins, it is estimated that the lobster sector, on its own, had a $53 million impact on Gloucester County's gross domestic product, a $264.9 million impact on New Brunswick's GDP and a $691.6 million impact on the Canadian GDP.

In addition, according to the Maritime Fishermen's Union, the closing of these zones represents an estimated $3 million loss per day for the industry as a whole.

[*Translation*]

As you can see, honourable colleagues, this situation is causing major financial uncertainty in a region that is already economically fragile. Retailers, business owners and residents are understandably worried.

Today, I am mainly thinking about factory workers. I am thinking about the women and men who often work in harsh conditions, who live in a precarious situation because of the notorious spring gap, and who depend on this industry to support their families.

[*English*]

Normally, factory workers can work 50-, 60-, even 70-hour work weeks during the fishing season. The income generated by those long hours, coupled with the Employment Insurance they collect during the winter, allows them to support their families.

However, this year, the factory workers had a hard time getting just 30 hours of work per week. Therefore, even if they receive an exemption and qualify for Employment Insurance, they will be greatly affected by the loss of income incurred due to the reduced number of work hours recorded.

[*Translation*]

This situation is especially difficult for a class of workers who often work in conditions that are harmful to their health.

Journalist Jean-Marc Doiron wrote in the March 8, 2016 edition of the *Acadie Nouvelle* newspaper, and I quote:

> Their hands and feet wet, the workers labour on cement floors for at least 10 hours a day, seven days a week, during peak season.
>
> Arthritis, rheumatism, back and leg problems . . . That is what seafood processing plant workers have to look forward to after a long career in the business.

Most Canadian workers at processing plants are over 50, and most of them are women.

In addition to these difficult working conditions, plant workers on the Acadian peninsula now have to cope with much more uncertainty about their jobs and their ability to accumulate enough weeks to qualify for employment insurance.

The Hon. the Speaker: I'm sorry, Senator Cormier, but your time is up.

Senator Cormier: Thank you for supporting the working men and women of the Acadian peninsula.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of members of the deaf-blind community: Jennifer Robbins, Philip Corke, Sherry Grabowski, Cathy Proll, Penny LeClair and Daryl Armstrong. They are the guests of the Honourable Senator Martin.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

DEAFBLIND AWARENESS MONTH

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, it is my sincere honour to rise today in recognition of June as Deafblind Awareness Month to acknowledge the strength, dedication and perseverance of more than 65,000 Canadians who live with deafblind challenges.

In 2015, the Senate of Canada unanimously adopted the motion to recognize June as Deafblind Awareness Month. I would like to commend the leadership of the Honourable Vim Kochhar, one of the greatest champions of Canada's deafblind community and of people who live with physical disabilities, along with Senator Jim Munson and the Honourable Asha Seth, whose dedication and support have been invaluable.

June is the birth month of Helen Keller, a gracious, heroic woman whose determination and leadership made a difference in the world and inspired many to follow in her footsteps. Canada's deafblind community leaders and organizations, including those present in our chamber, have worked together to make Deafblind Awareness Month on the Hill an annual tradition.

As I said, approximately 69,700 Canadians over the age of 12 live with the dual disability of deafblindness or a combination of both vision and hearing losses that limit their everyday activities essential for living, Statistics Canada reports. Thanks to our unanimous adoption, throughout June Canadians are encouraged to recognize the incredible strength and resiliency of the individuals who live with deafblindness and celebrate Helen Keller's trailblazing legacy.

This month is extremely important for honouring not only them but also their families, their interveners and important organizations who work closely with members of the community to help them live their lives to the fullest potential, organizations like the Canadian Helen Keller Centre, the Canadian Deafblind Association, CNIB, DeafBlind Ontario Services, Bob Rumball Centre of Excellence for the Deaf, Lions McInnes House, Deafblind Community Services and the Canadian Foundation for Physically Disabled Persons.

Helen Keller said:

> Life is either a daring adventure or nothing at all.
>
> Alone we can do so little; together we can do so much.

Honourable senators, Helen Keller's words remain to inspire us all. Let us honour her legacy and work together to ensure that deafblind Canadians have equal access to the benefits and opportunities that our country affords us all. Thank you.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Heather Patterson, David Evans, their son Bill Evans and granddaughter Amelia Evans. They are the guests of the Honourable Senator Hartling.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of our former colleague, the Honourable Vim Kochhar.

On behalf of all honourable senators, I welcome you back to the Senate of Canada.

Hon. Senators: Hear, hear!

[*Translation*]

ROUTINE PROCEEDINGS

PUBLIC SECTOR INTEGRITY COMMISSIONER

2017-18 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the Annual Report of the Office of the Public Sector Integrity Commissioner for the fiscal year ended March 31, 2018, pursuant to the *Public Servants Disclosure Protection Act*, S.C. 2005,c. 46, sbs. 38(4).

[*English*]

PARLIAMENTARY BUDGET OFFICER

2017-18 REPORT ON ACTIVITIES TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2017-18 Report on the Activities of the Office of the Parliamentary Budget Officer, pursuant to the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, s. 79.22.

BUDGET IMPLEMENTATION BILL, 2018, NO. 1

THIRTIETH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Percy Mockler, Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, June 14, 2018

The Standing Senate Committee on National Finance has the honour to present its

THIRTIETH REPORT

Your committee, to which was referred Bill C-74, An Act to implement certain provisions of the budget tabled in Parliament on February 27, 2018 and other measures, has, in obedience to the order of reference of June 12, 2018, examined the said bill and now reports the same without amendment but with observations.

Respectfully submitted,

PERCY MOCKLER
Chair

(*For text of observations, see today's* Journals of the Senate, *Appendix, p. 3673.*)

• (1350)

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Percy Mockler: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(b), I move that the bill be read the third time now.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to and bill read third time and passed, on division.)

CANADA ELECTIONS ACT

BILL TO AMEND—TWENTY-SIXTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Serge Joyal, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, June 14, 2018

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

TWENTY-SIXTH REPORT

Your committee, to which was referred Bill C-50, An Act to amend the Canada Elections Act (political financing), has, in obedience to the order of reference of May 3, 2018, examined the said bill and now reports the same with the following amendment:

1. *Clause 2, page 9*:

(*a*) Replace line 22 with the following:

"in subsection 384.3(6.1) or (8.1) unless he or she is satis-"; and

(*b*) replace line 27 with the following:

"ferred to in subsection 384.3(6.1) or (8.1) or within two".

Respectfully submitted,

SERGE JOYAL
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Serge Joyal: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

(On motion of Senator Joyal, report placed on the Orders of the Day for consideration later this day.)

LIBRARY OF PARLIAMENT

SECOND REPORT OF JOINT COMMITTEE PRESENTED

Hon. Lucie Moncion, Joint Chair of the Standing Joint Committee on the Library of Parliament, presented the following report:

Thursday, June 14, 2018

The Standing Joint Committee on the Library of Parliament has the honour to present its

SECOND REPORT

Pursuant to the Order of Reference from the Senate on Monday, June 11, 2018, House of Commons Standing Order 111.1(1), and the Order of Reference from the House of Commons on Friday, June 8, 2018, the Committee has considered the certificate of nomination of Heather P. Lank to the position of Parliamentary Librarian.

The Committee approves the appointment of Heather P. Lank to the office of Parliamentary Librarian.

A copy of the relevant Minutes of Proceedings (Meeting No. 4) is tabled in the House of Commons.

Respectfully submitted,

LUCIE MONCION
Joint Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Moncion, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[*Translation*]

ADJOURNMENT

MOTION ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I move:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, June 18, 2018, at 6 p.m.;

That committees of the Senate scheduled to meet on that day be authorized to sit even though the Senate may then be sitting and that rule 12-18(1) be suspended in relation thereto; and

That rule 3-3(1) be suspended on that day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

SENATE MODERNIZATION

NOTICE OF MOTION TO AUTHORIZE SPECIAL COMMITTEE TO EXTEND DATE OF FINAL REPORT

Hon. Stephen Greene: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, notwithstanding the order of the Senate adopted on Tuesday, November 28, 2017, the date for the final report of the Special Senate Committee on Senate Modernization in relation to its study of methods to make the Senate more effective within the current constitutional framework be extended from June 29, 2018 to December 31, 2018.

CHARITABLE SECTOR

NOTICE OF MOTION TO AUTHORIZE SPECIAL COMMITTEE TO MEET DURING SITTINGS AND ADJOURNMENT OF THE SENATE

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, for the purposes of meeting on Monday, September 17 and Tuesday, September 18, 2018, the Special Senate Committee on the Charitable Sector:
>
> (*a*) be authorized to sit even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto; and
>
> (*b*) be authorized, notwithstanding rule 12-18(2), to meet from Monday to Friday, even though the Senate may then be adjourned for more than a week.

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE MODERNIZATION OF CANADIAN COMMUNICATIONS LEGISLATION

Hon. David Tkachuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on Transport and Communications be authorized to examine and report on how the three federal communications statutes (the *Telecommunications Act*, the *Broadcasting Act*, and the *Radiocommunication Act*) can be modernized to account for the evolution of the broadcasting and telecommunications sectors in the last decades. Some of the main issues the study would examine will include:
>
> (*a*) how the three statutes may promote the creation, production and distribution of competitive, quality Canadian content in both French and English;
>
> (*b*) the realities and challenges of Canadian consumers, businesses, broadcasters, artists and artisans;
>
> (*c*) blurring of the distinction between broadcasting and telecommunications;
>
> (*d*) fragmentation of services;
>
> (*e*) corporate consolidation and concentration;
>
> (*f*) Canadian content;
>
> (*g*) CBC/Radio-Canada;
>
> (*h*) foreign ownership constraints;
>
> (*i*) low participation and Information and Communications Technology Development Index score;
>
> (*j*) lack of a national broadband strategy;
>
> (*k*) net neutrality; and
>
> (*l*) statutory authority and the role of the CRTC; and
>
> That the committee report to the Senate no later than June 28, 2019, and that it retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

• (1400)

QUESTION PERIOD

FINANCE

SMALL BUSINESS TAX REGIME

Hon. Larry W. Smith (Leader of the Opposition): Thank you, Your Honour. My question is for the government leader in the Senate concerning the government's small business tax changes.

Tomorrow, June 15, is the deadline for self-employed local business owners to file their taxes. Last summer, the Minister of Finance implied that small businesses across Canada manipulated

the tax system as he sought to impose sweeping tax changes with minimal consultation. The minister eventually backed down on some of the proposals.

The Canadian Federation of Independent Businesses continues to urge Minister Morneau not to proceed with his changes to passive investment and to delay the income-splitting changes until January 2019 at the earliest. As we all know, the minister has rejected this advice.

Why is the Minister of Finance intent on drowning small businesses with red tape and complex tax changes that remain a confusing mess as per the CFIB and their statement?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question. It's a question that he has asked in various forms over the last number of months. He'll know that it is the view of the Government of Canada that the small business sector is key to the Canadian economy. That is why the budget that we seem to have just approved provides for a decline in the corporate tax rate for small business.

With respect to the sprinkling provision, he will know that the minister has brought forward amendments that are much narrower in scope than he suggested to ensure that the small percentage of CCPC holders that were, in the view of the government, using a tax measure that advantaged them unfairly relative to other taxpayers has been closed. That is the objective of the government: to have a vibrant, small business sector, to have a sector that is treated adequately, fairly and supported by the tax regime of Canada.

Senator Smith: Thank you, leader. The government leader may also remember the PBO report from earlier this year in which the PBO could not clearly identify who would be subject to the new income-splitting rules for small businesses. The government's changes are so convoluted that the PBO had to present three possible scenarios of how the Canada Revenue Agency might interpret them.

On the matter of income splitting, the CFIB is also asking for a full exemption for spouses.

Could you help us, leader, in terms of finding out from Minister Morneau his response to the particular request for an income-splitting exemption for spouses? Is the government willing to consider an exemption for spouses?

Senator Harder: Again, I thank the honourable senator for his question. I'll certainly bring it to the attention of the Minister of Finance, but let me assure him that, as the minister made clear in tabling his budget and in the legislation that has followed, appropriate spousal deductions are available where there is in fact appropriate contribution to the corporation.

OBSERVATIONS TO BILL C-74

Hon. Percy Mockler: Thank you. As all honourable senators are aware, Bill C-74, the government's budget implementation act, was given a complete and thorough pre-study not only by the National Finance Committee but also by seven other committees: the Standing Senate Committee on Banking, Trade and Commerce, the Standing Senate Committee on Foreign Affairs and International Trade, the Standing Senate Committee on Legal and Constitutional Affairs, the Standing Senate Committee on National Security and Defence, the Standing Senate Committee of Energy, the Environment and Natural Resources, the Standing Senate Committee on Agriculture and Forestry and the Special Committee on the Arctic.

I wish to thank all of those honourable senators who worked so hard and undertook their due diligence on Bill C-74.

Senator Harder, would you please assure the chamber that the government will consider and follow up on each and every observation documented in those Senate committee reports, including the report of the National Finance Committee?

Hon. Peter Harder (Government Representative in the Senate): I would like to thank the honourable senator for his question.

Before answering it in detail, I too would join him in thanking all of the committees that did their pre-study and, in particular, the committee that he chairs with respect to its work on both pre-study and consideration of the bill itself. The chair is a servant of this institution and does us proud.

Let me assure him through responding to his question that the government treats observations of all committee reports seriously, and I can assure him that all of the recommendations will be not only drawn to the attention of the government but also responded to appropriately.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

DIPLOMATIC RELATIONS WITH IRAN

Hon. David Tkachuk: Senator Harder, yesterday in the chamber, you explained the sudden 180-degree turn your government made in its policy towards Iran by saying and I quote:

> With its recent actions, particularly with respect to the consular cases that have been referenced in this chamber, the Government of Iran has displayed a lack of cooperation to which the Government of Canada has reacted by not moving forward with any engagement or re-engagement pending actions by the Government of Iran to resolve those issues that are of great concern to the Government of Canada and all Canadians.
>
> Clearly, until and unless those issues are addressed, the desired outcome of having an engagement cannot proceed.

I contrast this in the words from a letter objecting to Bill S-219, and in that letter, the government wrote:

> The government believes that it is through dialogue, not withdrawal and isolation, that it can advance Canada's interests, including consular services to Canadians, . . .

So Senator Harder, which better encapsulates the government's policy approach to Iran as of this moment? The policy approach described in the words of the letter from the government I just quoted, or the policy approach prescribed by Bill S-219?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. It gives me an opportunity to again reiterate that the government at the highest level and at various levels of consular interventions has sought the release of the Canadians and permanent residents associated with the consular challenges that we are facing.

The lack of progress has certainly led the government to the position it has taken, and that position will be the position of the government until and unless there is movement.

That doesn't obviate the objective at the right time and in the right conditions of moving forward with an engagement. But that engagement has to be preceded by a more accommodating concern to the interests that have been stated. There is obviously a degree of frustration that we all share on the lack of movement on the consular cases. This gives expression to that.

• (1410)

Senator Tkachuk: The letter that I quoted from the government also said that Bill S-219 would hinder the re-establishment of normal diplomatic relations with Iran because Iran would likely respond negatively to its introduction. Why would the government expect Iran to respond negatively to Bill S-219 but positively to the motion on Tuesday?

Senator Harder: I thank the honourable senator for his question. Let me say that the circumstances of the consular cases have evolved to a level of unresolved frustration such that the government was comfortable supporting the motion in the other place a couple of days ago, and that reflects the evolving nature and frustration of the lack of progress on the consular cases. It's not a contradiction; it's a judgment made after a series of frustrated interventions.

EMPLOYMENT, WORKFORCE DEVELOPMENT AND LABOUR

CANADA SUMMER JOBS PROGRAM

Hon. Leo Housakos: Honourable colleagues, my question is for the Leader of the Government in the Senate. At a rally in downtown Toronto on Saturday, Sheikh Shafiq Huda of the Islamic Humanitarian Service called for the eradication of Israelis. His hateful comments are now the subject of a police complaint. The group he represents, the Islamic Humanitarian Service is receiving funding from the Canada Summer Jobs program.

Senator Harder, when I asked you about the Canada Summer Jobs attestation in January, you stated:

> It is the expectation of the Government of Canada that organizations supported by the Canada Summer Jobs program respect the rights of individual Canadians, and the processes being put in place are to ensure that happens.

Senator Harder, in light of the funding of this group, how can the government continue to defend its values test? How could you possibly approve and have a group like this receive taxpayers' money under the Canada Summer Jobs program?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for bringing this case to my attention. I will make inquiries of the minister responsible and report back.

Senator Housakos: Government leader, yesterday in the other place, the Prime Minister rightfully condemned the statement made by Mr. Huda and said that they were unacceptable. I completely agree with the Prime Minister and I think you should make that same statement in this chamber. Why then would the Prime Minister not go a step further and state that providing Canada Summer Jobs funding, taxpayer funding, to this group is fundamentally wrong? Why are organizations and churches, which would not and do not promote illegal hate speech, denied funding for students to run summer day camps or work in homeless shelters while a group like this gets funding of taxpayers' money?

Senator Harder: I thank the honourable senator for his question. His question was with respect to the Canada Summer Jobs program and the case that he has brought forward. I would need to determine the facts before I could provide an answer. As to his preface with respect to the outrageous statements that he quoted, I can only associate myself, as I'm sure we all can, with the Prime Minister's condemnation and I would be happy to do so.

SUMMER JOBS ATTESTATION

Hon. Michael L. MacDonald: Honourable senators, my question is for Senator Harder. Last week it was revealed that the Bangor Sawmill Museum, located in Meteghan River, Nova Scotia, will not open this summer as planned because its application for funding under the Canada Summer Jobs program was rejected. We know the gentleman in charge of this in Nova Scotia is our former colleague, Senator Comeau, who volunteers his time to keep this museum open.

This is not an organization that takes sides on matters of conscience. It's a museum from one of the last water-powered sawmills in the country. The museum provided a letter to the government affirming its support for the Charter of Rights and Freedoms, but because it did not support the government's attestation, it did not receive funding for a student to work as a museum guide this summer. Subsequently, it will be closed all summer.

Would the government please reconsider its decision to deny funding to the Bangor Sawmill Museum and let the museum open this summer?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for the question. I'll bring the case to the attention of the minister concerned and report back.

Senator MacDonald: It's interesting. We talk about the primacy of the Charter of Rights, but it doesn't seem to mean much in certain circumstances when it comes to this government.

As honourable senators are also aware, through the Canada Summer Jobs program, the government is also funding a position at Dogwood B.C., the job posting specifically states that position will work to "stop the Kinder Morgan pipeline and tanker project." I suspect the government leader's response to my question will state that this group received funding under the previous government. And it did. The difference now is that the current government funded the face of its approval of the Trans Mountain expansion and its repeated statements that the project is in the national interest and will be built.

Senator Harder, why is it acceptable to provide taxpayer dollars to anti-pipeline activists seeking to stop the Trans Mountain pipeline, but at the same time denying funding to a small community museum in Nova Scotia?

Senator Harder: Again, I thank the honourable senator for his question, and his answer on my behalf. Let me go further than that and simply say I'll bring both cases to the attention of the ministers concerned.

[*Translation*]

ORDERS OF THE DAY

DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-344, An Act to amend the Department of Public Works and Government Services Act (community benefit).

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Omidvar, bill placed on the Orders of the Day for second reading two days hence.)

[*English*]

CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Boniface, seconded by the Honourable Senator Sinclair, for the third reading of Bill C-46, An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts, as amended.

Hon. André Pratte: Honourable senators, at this stage of the debate, I believe we can do without quoting statistics, reports and studies. We know the carnage that alcohol and drugs inflict on our highways and roads. We know that we need to do more to stop irresponsible people from driving when under the influence.

Bill C-46 provides police officers and Crown prosecutors with additional and more effective tools to do just that.

[*Translation*]

Bill C-46 was introduced at the same time as Bill C-45. However, this bill would be necessary even if the government weren't proposing to legalize cannabis. Canadians are currently driving while impaired by drugs. They drive drunk. They mix drugs and alcohol and then take the wheel. That is why the government decided to take action even before introducing Bill C-45.

In 2015, the previous government introduced Bill C-73, which proposed measures that we find today in Bill C-46. We also know that, two years ago, our colleague, Senator Carignan, showed leadership by introducing Bill S-230, which proposed using drug screening devices, a measure we find in Bill C-46. At the time, the honourable senator said, and I quote:

> The purpose of the bill is to enable us to take action now, whether legalization happens or not.

[*English*]

The major problem with drug impairment cases is that they are more difficult to investigate and prosecute. They lead less often to a charge than alcohol-impaired driving cases, and they take twice as long to process through the courts. The main reason for this discrepancy is the absence of roadside screening devices and of per se limits for drugs, which make it much easier to establish reasonable grounds for a blood test, and then to establish proof of an offence. This is why Bill C-46 will authorize police to use government-approved oral fluid drug screeners at the roadside. This is also why the new act and related regulations will establish THC concentration limits equivalent to the 80 milligrams of alcohol threshold that has become so familiar.

Senate say that given the characteristics of cannabis and the scientific uncertainties that persist, these levels — 2 nanograms and 5 nanograms per millilitre of blood — are arbitrary. As they stand, however, they are based on the best scientific knowledge available as compiled by the Drugs and Driving Committee of the Canadian Society of Forensic Science.

• (1420)

Studies cited by the committee, which are the only studies I will quote today, have shown that drivers with even low concentrations of THC in their body were more likely to be responsible for a crash than drivers who had not used drugs or alcohol. It's crucial to understand that these levels will not be those measured at roadside but at the police station within two hours after the driver has been stopped. At roadside, the driver would submit to a test using the screening device for which the threshold will be set at 25 nanograms of THC.

At the Legal Affairs Committee, an expert witness, Dr. Graham Wood of Altasciences Clinical Research, testified:

> I don't think I've seen any research that had someone at 25 who wasn't impaired.

Consequently, before being required to proceed to the blood test that will serve for evidence purposes, a driver would in all probability have consumed cannabis recently and be high. If it were not the case, he or she would not have failed the roadside screening test. Therefore, per se limits will considerably simplify the prosecution of drug-impaired drivers and will have a deterrent effect as strong as the 0.08 has had for alcohol-impaired driving.

Many of the changes brought in by C-46 have nothing to do with cannabis and everything to do with alcohol, which is still the great killer on our roads. For instance, the bill would eliminate what is called the "bolus" drinking defence by changing the time frame within which the offence can be committed from what is now at the same time of driving to within two hours of driving. This change would also restrict what is called the intervening drink defence. These are two defences that have been abused over the years.

Impaired driving sentences are increased. The maximum penalty for all the transportation offences would be increased from 18 months to two years less a day on summary conviction and from five years to 10 years on indictment.

Several amendments aim to facilitate the establishment of proof of the blood-alcohol concentration, the subject of a considerable amount of litigation over the years. Again, the idea is to make the investigation and the prosecution of impaired driving offences simpler.

Honourable senators, Monday evening our esteemed colleague Senator Joyal invited us to put our emotions aside when we examine a legislative measure such as this one.

[*Translation*]

Dear colleagues, I assure you that even though I lost a close friend in a car accident caused by a drunk driver and saw first-hand how devastating such a tragedy can be for a family, my decision to support Bill C-46 is a purely rational one.

[*English*]

I am certain that many of you have lived through the same kind of experience and, yet, that you're perfectly capable of putting your feelings aside and apply sober second thought.

Hundreds of Canadians die each year of a preventable cause, and I believe that when one applies reason to the problem of impaired driving, he or she will instantly come to the conclusion that additional measures are urgently needed. This is the conclusion the previous government came to. It is also the conclusion this government has arrived at. This is why, in my humble opinion, we should support Bill C-46. It is simply the reasonable, rational thing to do. Thank you.

Hon. Gwen Boniface: It is my distinct pleasure to join in the third reading debate of Bill C-46, An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts.

Bill C-46 proposes much-needed changes to the criminal law of impaired driving. It represents one of the most significant reforms to this area of the law in 50 years. It is evolutionary, not revolutionary. There is good reason for this evolution. Despite decades of public education and media attention, impaired driving remains the leading cause of criminal death in our country and the most litigated charge in our courts. To use a colloquial term: Too many Canadians just aren't getting it.

The Minister of Justice has repeatedly stated that the primary objective of this bill is to save lives. It is expected that C-46, in combination with other prevention and education efforts being undertaken by the government, will help move us toward ending, or at least materially reducing, the unnecessary heartbreaking loss of life and injuries, particularly to young Canadians, that occur on our roads and highways every day as a result of impaired driving.

Bill C-46 is a reflection of many years of consultation and discussion, as well as much parliamentary engagement. This bill contains elements of previous bills that have come before Parliament, including the former Bill C-73, which was introduced by the previous government in the previous Parliament. Additionally, this bill, as amended, proposes to allow the use of oral fluid screening devices for drug-impaired driving. This was proposed in a Senate public bill, Bill S-230, sponsored by our colleague Senator Carignan. Bill C-46 has built on the previous parliamentary initiatives to create a stronger, more robust piece of legislation.

The Legal Affairs Committee undertook a review of all proposals in Bill C-46. We heard from more than 50 witnesses over the course of more than a dozen meetings since the bill arrived at the committee on January 31. The committee adopted a number of amendments to bill, which I will discuss later.

Honourable senators, Bill C-46 proposes to amend the transportation regime of the Criminal Code to both simplify offences and strengthen the law with respect to drug- and alcohol-impaired driving. One of the issues of particular interest to the committee was the bill's approach to drug-impaired driving. I would like to speak to these elements first and then move on to discuss broader transportation regime reforms.

As everyone in this chamber knows, impaired driving, both as a result of alcohol consumption as well as drugs, remains a significant problem. As most senators are likely aware, police have some tools to investigate it; for example, an officer can demand that a driver perform standardized field sobriety tests at the roadside if there is a reasonable suspicion that a driver has drugs or alcohol in their body.

In addition, police are able to demand that a driver engage in a drug recognition evaluation at the station if they have reasonable grounds to believe their ability to drive is impaired by drugs. This process includes the collection and analysis of bodily substances to confirm the presence of drugs. Police officers will continue to be able to use these investigative steps, which have been authorized under the Criminal Code since 2008, to detect drug-impaired drivers.

To put things in context, when the previous government enacted the DRE regime, it then provided $2 million in funding to law enforcement for training. Bill C-46 will build on these measures to empower police to use drug screening tools to determine whether drivers have been consuming certain impairing drugs before driving. It also comes with a considerable amount of new funding to provide the requisite tools and training for drug-impairment detection to police services across our country.

Under the proposed new regime, if the police have a reasonable suspicion that the driver has drugs in their body, they would be authorized to demand a sample of oral fluid for analysis by approved drug-screening equipment instead of, or in addition to, standard field sobriety tests. A positive result on a drug screener that indicates the presence of certain drugs in the driver's body would then provide the officer with relevant information for moving forward with the investigation.

It is a sorely needed investigative tool for prompt detection, especially given the rapid decline of THC in the body. These will be very useful in enhancing the enforcement of drug-impaired driving.

Building on last year's successful drug screener program co-led by Public Safety Canada and the RCMP, as well as their successful use in other countries, the Drugs and Driving Committee of the Canadian Society of Forensic Science, the government's scientific adviser on drug-impaired driving, is currently evaluating devices for Canadian use. When they determine that a particular drug screener meets its rigorous evaluation criteria, a recommendation will be made by the Attorney General. The government is committed to ensuring this process proceeds as expeditiously as possible.

Given that these are publicly traded companies, I cannot get into specifics about which device is at which stage, but I will tell the chamber that the process is well advanced. Because the authority to use these devices is contained within C-46, the faster this bill receives Royal Assent, the quicker the Attorney General can approve devices so the police can competently move to procure and train on them. We will do a great service to police forces to move this forward. In the meantime, the police will continue to use existing tools to detect drivers who may be driving while impaired by drugs and benefit from increased training resources.

On that note, the Senate committee heard that there have been significant efforts under way to enhance training to ensure that more officers are trained in SFST and as DREs, drug recognition experts, across the country. In fact, drug recognition expert training previously done in the U.S. is now under way within Canadian borders. As Commissioner Lucki said, in response to a question by Senator Griffin at the National Defence Committee on May 30:

> We were able to successfully graduate people from a course in Vancouver two weeks ago.

• (1430)

The Minister of Public Safety testified before the committee that the government is investing $274 million into law enforcement training, including $161 million specific to impaired driving to, among other things, train front-line officers in how to recognize the signs and symptoms of impaired driving.

Bill C-46 establishes three new criminal per se offences of having certain prohibited blood drug levels within two hours of driving. The offence charged would depend on the concentration of the drug that is present in the blood of the driver.

The first, a straightforward summary conviction offence, would be made out if a driver has between 2 and 5 nanograms of THC per millilitre of blood.

Why an offence at this level? It is based on the sound public policy direction that Canadians should not "drug and drive." It addresses the reality, as indicated in the DDC Report, that a driver could be impaired below both 2 and 5 nanograms per millilitre. Without making a recommendation, the report sets out:

> . . . in the interest of public safety, a legal limit of 2 ng/mL THC in blood would be the more prudent measure.

So, while the BDC level for this first per se offence is not based unequivocally on impairment in all cases, it is a precautionary approach to save lives.

The steady increase in drug-impaired driving since 2009 must be stopped. In other words, Canadians must know that drugging and driving must be avoided because any level of impairing drugs poses a public safety risk. DDC toxicologist D'Arcy Smith said, in answering a question before the Legal Committee, that in his opinion as a toxicologist, there is a rational basis to make the public policy choice that if you ingest drugs, you should not operate a motor vehicle.

This precautionary approach is now reflected in the preamble to the bill thanks to a welcomed amendment by the committee. This clearly underscores that public safety and precaution were part of the underlying policy objectives of this offence. This is a significant addition to the preamble. The weight of evidence shows that cannabis use is associated with increased risk of crash involvement. Overall, studies have established that THC impairs the ability to operate a vehicle. Accordingly, these drug offences are necessary to reduce the crash risk posed by drugged drivers, even at what some consider to be "low" THC levels. That is their link to public safety.

There would also be two hybrid per se drug offences: one for when specific impairing drugs are found alone, and a second for when specific impairing drugs are found in combination with alcohol. Hybrid offences can be proceeded with either summary or by indictment varying on the severity.

The per se hybrid offence for drugs alone would apply when a driver has 5 nanograms or more of THC or any detectable level of seven other drugs, including cocaine, LSD, methamphetamine, heroin, ketamine, PCP and the drug more commonly known as "shrooms."

An eighth drug, GHB, would have a prohibited level of 5 milligrams per litre to reflect the fact that the human body can, on its own, produce this drug at low levels.

The other per se hybrid offence pertains to drugs in combination with alcohol. It would apply when a driver has at least 2.5 nanograms of THC per millilitre of blood in combination with 50 milligrams or more of alcohol per 100 millilitres of blood. This offence recognizes that drugs, in combination with alcohol, can compound the impairing effects.

The prohibited levels for these hybrid offences are based on two principles: that these BDC levels are expected to cause some driving impairment, and that they are illicit drugs commonly found in drivers and known to have impairing effects.

Honourable senators, there has been much discussion about the fact that prohibited drug levels are not contained in the bill but would, instead, be set by regulation. No legal authority was offered that this cannot be done. In fact, there is authority that it can. Public education will broadcast any changes to regulation just as it does about statutory changes.

Furthermore, setting these levels by regulation is consistent with the approach taken in other international jurisdictions, specifically the United Kingdom and Norway, which have created per se offences for 16 and 20 drugs, respectively, by regulation.

This approach ensures a more efficient and timely ability for the government — and successive governments — to quickly respond as both the science of impairing drugs and the emergence of new drugs evolve. Basically, it is much easier to alter regulations than it is to introduce new legislation every time there is a drug to add or new scientific evidence is available, which is certain to occur. A regulatory regime avoids creating a stand-alone criminal offence for each individual drug, which would be the case otherwise.

This is something that we already see in the firearms legislation and the Controlled Drugs and Substances Act in Canada.

The science of the impairing effect of drugs is much more complex than the science of the impairing effects of alcohol. Alcohol is, in fact, the outlier in this area due to its simplicity. This is true for both roadside detection of drugs in the body and for making determinations about driving impairment. But the answer cannot be to throw up our hands and abdicate responsibility for saving lives. It will be a legislative journey, but it needs to start here.

As Dr. Amy Peaire, Chair of the Drugs and Driving Committee, cautioned the committee:

> It is important to realize that there is a wide variety of drugs, including over-the-counter, prescription and illicit drugs that can impair driving in different ways and which are all commonly detected in suspected impaired drivers in Canada. These drugs can affect an individual's driving ability in different ways at different concentrations, and there can be a variety of pharmacological factors that can determine the resultant impairment. . . . As such, we must be careful not to try to oversimplify drug-impaired driving by expecting it to be directly analogous to alcohol-impaired driving, or by considering all drugs as a single category.

The Minister of Justice, in her remarks before the Senate committee, recognized this challenge and indicated the government has confidence in the scientific evidence upon which the bill is based.

While the science of impairing drugs is complex, the government's proposal to create criminal offences is well grounded in the available science and reflects sound public policy. The complexity of drug impairment has not stopped countries around the world from instituting per se drug offences. To name a few: Sweden, France, Belgium, Portugal, and some American and Australian states.

As the honourable senators know, Bill C-46 contains much more than the drug-impaired driving elements. The bill repeals all of the present transportation offences to eliminate some offences and streamline the criminal driving regime and replace it with a clearer and more coherent legal framework. This is expected to increase deterrence while simplifying investigation and proof of impaired-driving offences. Many of the changes are also expected to lead to more efficient trials and, ultimately, to reduce court delays.

For example, the bill proposes to make it easier to prove a driver's blood alcohol concentration. If the Crown can prove beyond a reasonable doubt that certain steps were taken — for example, that the approved instrument at the police station was properly calibrated before each breath test — then the blood alcohol concentration is conclusively proven.

Additionally, the bill proposes to eliminate a very troubling common law defence called the bolus drinking defence. My colleague, Senator Pratte, spoke about this. It arises when the driver asserts that he or she consumed a lot of alcohol immediately before or while driving, thus skewing the breath results so that they don't accurately reflect the reading at the time of driving when the alcohol hadn't yet been absorbed. This is reckless, playing the odds that you can get home before you are impaired while consciously making a decision to drive.

It would also limit the intervening drink defence, whereby a driver can challenge the result of their breath test because they consumed alcohol after being stopped by the police but before giving a breath sample. This occurs usually after a collision, when the driver claims that they were shaken and drinking was an attempt to calm their nerves. This defence is also obstructionist as it makes it far more difficult for the Crown to prove the blood alcohol concentration and has been used in cases just for this reason. As Supreme Court Justice L'Heureux-Dubé pointed out in *R. v. St. Pierre*:

> In most cases, moreover, there is good reason to suspect that post-driving drinking (or just the claim thereof) is an act of mischief intended to thwart police investigators. All such cases, at the very least, involve a significant degree of irresponsibility and a cavalier disregard for the safety of others and the integrity of the judicial system. This Court should not encourage or, at the very least, lend legitimacy, to such behaviour.

There will be an exception in the bill for "innocent intervening consumption," which is essentially post-driving consumption where the person had no reason to expect a breath or blood demand. This would not be an offence. As the Minister's Charter statement says, the provisions, then:

> . . . ensure that dangerous conduct is covered while innocent consumption after driving is not . . . .

Eliminating the bolus drinking defence and limiting the intervening drink defence is reflective of the overall objective of public safety that underpins this bill.

Bill C-46 codifies the case law — *R. v. Stellato* — concerning the impaired-driving charge to clarify that "any degree" of impairment of the ability to drive is an offence. The Over 80 offence, as it is commonly known, becomes "80 or Over."

• (1440)

The bill also balances the rehabilitative needs of impaired drivers. The court could delay, with Crown consent, the sentence where no death or bodily harm was caused so the offender can attend a provincially approved treatment program. Upon successful completion of the program, the offender may receive less than the minimum sentence and avoid the prohibition order. The time to wait before enrolment in an interlock program is reduced, so a first offender would not have to wait at all. Evidence shows that ignition interlock devices reduce recidivism.

I would like to note that following its study, the Senate committee made other amendments in addition to the amendment to the preamble earlier mentioned.

First, there was an issue with the back calculation analysis for presumption of blood alcohol concentrations where the first breath or blood sample was taken more than two hours after driving. Unfortunately, the technical wording of the section frustrated Parliament's intention to allow a court to do a back calculation without the need to call a toxicologist in certain scenarios. This amendment corrected that.

Second, the bill was amended so that statements made by drivers, which are compelled under provincial highway traffic legislation, are admissible on an approved instrument as well as an approved screening device at the roadside.

Third, Bill C-46 was amended to ensure that only error or exception messages from an approved instrument would be required to be disclosed, rather than irrelevant information such as "waiting" and "processing" messages.

And finally, clause 38 was amended to include a subset of analysts that were originally missing in the drafting of Bill C-46. This simply ensures that certain analysts who are currently designated under the existing Criminal Code will continue to be designated with the implementation of this legislation.

These amendments were quite technical in nature. I would submit that the Senate has improved this bill through these technical yet important amendments that will better clarify parliamentary intention and streamline trials, and I fully support these elements.

If this bill is passed, the drug-impaired driving elements would come into force as soon as the bill receives Royal Assent to ensure these enhanced measures are in place.

Senators, this legislation is not new. We have seen versions of it in the past. The best parts of Bill C-73 and Bill S-230 have been included in Bill C-46, making it even more complete and effective in improving road safety. I will reiterate that impaired driving is the most litigated charge plaguing our courts, and the leading cause of criminal death in the country.

The measures contained within Bill C-46 will contribute to safer roads. Supporting this bill acknowledges that the necessary evolution of law is taking shape to ensure that officers have the ability to detect impaired drivers and the courts have a more coherent scheme in the hugely litigated area of our Criminal Code.

I want to thank you very much for listening and I would ask you to pass this bill.

Hon. A. Raynell Andreychuk: Honourable senators, I'm going to be, as Senator Baker used to say, very short.

I want to first say that my efforts were directed at Bill C-45 and not Bill C-46. When I actually scanned Bill C-46, I honestly thought the clause titled "mandatory alcohol screening," covered all drugs and alcohol. Therefore, I wasn't preoccupied until the good services of the Legal and Constitutional Committee drew my attention to the mandatory alcohol screening.

That is one of the reasons for wanting to speak. Some have said that there have been other iterations of this bill. It is true, but at that time there was no cannabis legislation. This confuses the public as to when mandatory screening can be used or not. That needs to be highlighted and noted. While we can talk about how this may help the public, I believe it is going to confuse the public and some of the police officers in understanding that mandatory, without "reasonableness" definitions put into this section, can lead to confusion. Therefore, I have great concern that we are making laws that are too complex for the average person to understand. And that includes police officers, who are getting more and more capacities placed on them daily.

Yesterday, in the Finance Committee, we were told there will be money released to the police for the cannabis legislation. The problem is I don't think there's enough money to do the proper training across Canada in small police forces and the RCMP. I have some worries that we have selected this point in time to talk about mandatory alcohol screening. Had it been done not in the whole phase of cannabis legalization, that might have been a different debate.

I want to associate myself with Senator Joyal, Senator Batters and Senator Carignan, who have questioned the constitutionality of this section. I believe that the arguments made by these honourable senators have great weight. In fact, I believe the courts will take notice of the debate here. I want to associate myself with it when it gets to the courts.

I believe we have a role to question the legislation, not take it at face value and let the courts determine the constitutionality. Day in and day out, week in and week out, year in and year out, we have said we have a duty to determine whether legislation is constitutional. We cannot say, "Let the courts decide." It is the exceptional case that we should let the courts decide on the constitutionality at the start. It is our responsibility to ensure that we pass laws that can pass a constitutional test reasonably.

If there are experts on both sides of the issue, I think we are here to use our judgment to determine it. I fully appreciate that Senator Gold and Senator Wetston may have a different point of view. Nonetheless, that does not preclude the opinion of those of us who believe it is unconstitutional. I will say no more about that.

I am absolutely, totally consumed with this issue of random stopping by police. It is not done in a way where we will all be judged the same. A single officer can in fact pull over a single driver, and there is no reasonableness test. It is almost, if not totally, absolute discretion.

This troubles me in our society. There needs to be some discretion, but also some boundaries on this right of police to stop. My difficulty is this: Let's assume you pull someone over and administer this Breathalyzer test, which Senator Boniface has fully detailed and pointed out. If in fact you pass the test, what happens then, when you may be full of drugs and you may have different quantities of alcohol in you? Has the policeman the right to continue? Why did he pull you over in the first place? That becomes an issue.

I think we will find fewer convictions. And make no mistake, I want drunk drivers and drug-induced drivers off the road. I believe this is just going to confound the actions of the police and make it more litigious, and I'm not sure that we are going to achieve what the government claims it will do.

My overwhelming concern is this: Why did we inject that section on mandatory screening now, when our society is consumed with the issue of racial profiling, where minority groups are being questioned, feeling that they are put upon, and we are talking about reconciliation? This is the moment when we should not allow anyone to have an authority that could lead to a presumption of racial profiling.

I also have great sympathy for the policemen. I trained police officers, both in the Saskatchewan Police College and at the RCMP. It is one of the most onerous tasks to be a police officer, to ensure safety and security, but even further, to interpret this law.

We may do it in a classroom and talk about what it means when they get involved with the public. They have to make a judgment daily, in split seconds. This law makes it even more difficult for them to do their duties. If they don't do it well, we will increase racial profiling. How will that help us?

• (1450)

So I'm more concerned about how this measure is going to be implemented in the long run.

Money has been set aside, I'm told, for that, but I can assure you it will not be sufficient. I worry that we are saying that we are helping society. I believe we have to weigh the difficulty of racial profiling vis-à-vis someone who might be prevented from driving in this situation. I don't believe this section is helpful. I believe all the other elements that we put into impaired driving laws — and I hope there will be more for drug testing — will be the ultimate result. I believe in education.

We are still faced with people who believe that it is okay to drink and drive. Young people, by virtue of the government saying cannabis is fine, will believe that, if the government puts a stamp of approval on it, it's fine to use it. We're not saying too much about not driving and using cannabis. Where is the education?

My final point is: I'm not going to weigh two very fundamental public interests and not, at this point, yield to reconciliation. No more racial profiling.

Hon. Vernon White: Would the honourable senator take a question?

Senator Andreychuk: Absolutely.

Senator White: I have two quick questions. First, if I could confirm that mandatory alcohol screening has been removed from Bill C-46. I'm sure you understand that.

Second, that random stopping isn't in this bill. Random stopping, , went to the Supreme Court of Canada in 1990, I believe, and has already been determined to be lawful. An individual police officer can stop any car, at any time, to do a number of things, including checking for sobriety.

Senator Andreychuk: I think there's a role reversal here. I started by saying I'm not going to do the legal. I'm doing the practical.

You're absolutely right, we did remove it. My plea is not so much for the Senate. My plea is for the Government of Canada, that they accept what we are saying here. If I took a shortcut because I didn't want to take up your time —

Senator White: No worries.

Senator Andreychuk: I'm clarifying that.

Your second point is, yes, we have random, but random, as it's defined now, is not singling out.

Hon. Marc Gold: Just a brief question. Senator Andreychuk, thank you very much for your comments. I respect yours and everybody else's views on the legal aspects, and we're not going to go there. Did I understand you correctly, though, that, apart from this issue, you did agree with the rest of the bill, especially as it pertains to driving impaired by drugs?

Senator Andreychuk: I agreed with it, but it doesn't go far enough. We've gone into legalizing cannabis, and we didn't pay enough attention to the consequences. I think Senator Carignan has brought those issues up, and I go back to education, education, education. We haven't even dented what is wrong with alcohol. We're now starting on an experiment. I just don't want to experiment on the Canadian public. But, as far as the government has gone in the bill, yes.

The Hon. the Speaker: Are senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

(Motion agreed to and bill, as amended, read third time and passed, on division.)

CANADA ELECTIONS ACT

BILL TO AMEND—TWENTY-SIXTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ADOPTED

The Senate proceeded to consideration of the twenty-sixth report of the Standing Senate Committee on Legal and Constitutional Affairs (*Bill C-50, An Act to amend the Canada Elections Act (political financing), with an amendment*), presented in the Senate on June 14, 2018.

Hon. Serge Joyal moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

The Hon. the Speaker: Honourable senators, when shall this bill, as amended, be read the third time?

BILL TO AMEND—THIRD READING

Hon. Serge Joyal: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(b), I move that the bill, as amended, be read the third time now.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill, as amended, read third time and passed.)

FEDERAL SUSTAINABLE DEVELOPMENT ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Diane F. Griffin moved second reading of Bill C-57, An Act to amend the Federal Sustainable Development Act.

She said: Honourable senators, it is an honour for me to rise today and speak as the sponsor, at second reading stage of Bill C-57, An Act to amend the Federal Sustainable Development Act.

As I served on the National Round Table on the Environment and the Economy, sustainable development is a longstanding interest of mine. The NRTEE was an advisory group to the Prime Minister.

The original Federal Sustainable Development Act evolved from a private member's bill, introduced by the Honourable Senator John Godfrey in 2007 and passed in 2008, with the support of Prime Minister Stephen Harper. The act established the foundation for a federal sustainable development strategy.

The House of Commons' Committee on Environment and Sustainable Development was tasked with reviewing the Federal Sustainable Development Act. In June 2016, it tabled a unanimous report, which provided insights and recommendations that were instrumental in shaping Bill C-57.

This bill passed unanimously at third reading in the other place. It provides the framework for developing and implementing Canada's federal sustainable development strategy. It puts sustainable development and the environment at the forefront of global thinking and decision-making.

Bill C-57 builds on the strategy's successes by focusing on advancing sustainable development and is not only environmental reporting. The bill also strengthens accountability by requiring individual federal organizations to report annually to parliamentary committees on their department's progress.

Colleagues, we all know what important work gets done in our committees. It heartens me that the government has recognized this, both by introducing government legislation as a response to a committee report and by stipulating that federal organizations must report to parliamentary committees. It lets parliamentarians, and thereby Canadians, know what the government is doing to implement sustainable development.

• (1500)

Bill C-57 contains several new provisions that would support further transparency and accountability. What gets measured gets done. Bill C-57 includes a principle on results and delivery that emphasizes the importance of developing objectives and outlining strategies for meeting those objectives.

Federal organizations will be required to provide parliamentarians with specific, measurable targets, a time frame and a plan for meeting those targets.

By incorporating the principle of results and delivery into the act, and using indicators to report on progress, the bill would strengthen the Federal Sustainable Development Strategy's accountability.

The federal government's carbon footprint is large, but that means there is an opportunity for improvement in leadership. Through its Greening Government Strategy, the government reaffirmed its commitment to low-carbon and climate-resilient operations. The bill outlines an explicit role for the Treasury Board in establishing policies and issuing directives in relation to the impact of government operations on sustainable development.

Sustainable development cannot be limited to one department or agency. Twenty-six participating departments were named in the act, and the latest strategy includes contributions from 41 departments and agencies, 15 of whom voluntarily participate.

An amendment was passed in the other place to expand the strategy to more than 90 departments and agencies. That includes organizations with a significant environmental footprint such as the Royal Canadian Mounted Police and Correctional Service Canada.

To ensure that a whole-of-government approach can be maintained even when circumstances change, the bill also enabled adding or removing organizations from the act.

Honourable senators, I want to address the provision in the purpose of the act concerning Canada's domestic and international obligations relating to sustainable development. Concerns have been raised that the 2030 Agenda Sustainable Development Goals and Canada's Paris commitments are not included in this act. International obligations are acknowledged in the revised purpose set out in Bill C-57. Specifically, the purpose reflects the government's commitment to consider current and future international sustainability obligations and strategies prepared under the act. As such, future federal sustainable development strategies will reflect international obligations where appropriate.

There is a reason that they are mentioned here in this way and not elsewhere in the act. As the Honourable John Godfrey noted, had specific goals and targets themselves been included in the original act, there would have been no mention —

The Hon. the Speaker *pro tempore*: Excuse me, senator. There are a lot of conversations going on. Senator Griffin is reading a speech. If we have important things to say, could we go in the sitting room or have the courtesy to listen?

Senator Griffin: I'll start again in that paragraph, thank you.

There is a reason that they are mentioned here and not elsewhere in the act. As the Honourable John Godfrey noted, had specific goals and targets themselves been included in the original act, there would have been no mention of climate change. The act should be relevant, even when further agreements are made, targets set and problems identified.

This bill also responds to the motion put forward by Senator Dawson, that the Senate takes note of the Sustainable Development Goals and encourages the Government of Canada to take account of them as it drafts legislation and develops policy relating to sustainable development.

Bill C-57 builds on the existing work of the current federal Sustainable Development Strategy to support the environmentally focused Sustainable Development Goals, including gender equality, affordable and clean energy, responsible consumption and production, climate action, life below water, life on land, and partnerships for the goals.

The bill recognizes that sustainable development is based on an efficient use of natural, social and economic resources. It clarifies that sustainable development is an evolving concept and outlines ways in which it may be advanced.

Bill C-57 expands the number of Aboriginal representatives on the advisory committee from three to six to better reflect the broad range of perspectives across Canada. The bill also requires the minister, when making appointments to the council, to take into account demographic consideration.

In the other place, a Conservative amendment allows for members of the council to receive reimbursement for reasonable expenses. This will allow for council members to actually meet in person, if required.

Honourable senators, the Federal Sustainable Development Act has had a positive impact on federal sustainability, helping move toward transparency, accountability, a whole-of-government approach and a commitment to meeting international obligations. The Environment and Sustainable Development Committee in the other place identified ways in which the government can do better. Bill C-57 is a product of those recommendations.

The renewed approach to sustainable development that this bill represents makes it possible to build on the success of existing programs and continue to work across government to elevate the good practices already in place.

The bill can help us achieve our shared vision of a clean environment, a sustainable economy and a better quality of life for all Canadians.

Bill C-57 passed unanimously at all stages in the other place. This highlights the broad support of all members of Parliament regardless of political affiliation.

I tend to view this bill as a housekeeping update to modernize the existing legislation. I hope it can be forwarded to committee expeditiously. Thank you.

(On motion of Senator Martin, debate adjourned.)

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy:

That the following Address be presented to His Excellency the Governor General of Canada:

To His Excellency the Right Honourable David Johnston, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Robert Black: Honourable colleagues, I was intending to rise today to speak at third reading of the budget implementation bill as it relates to the Standing Senate Committee on Agriculture and Forestry's twelfth report, and specifically pertaining to agriculture and Part 5 of Bill C-74. However, since it was so swiftly passed at third reading earlier, I'm choosing to rise now in my maiden speech.

As you well know, I come from rural Ontario. Being new to the Senate, I'm excited to be here. I wish to let you know that I'm here for the long term. I would like to share that comment with you.

I have over 30 years of involvement and engagement with rural agriculture in Ontario and across the province, across the country.

I wish to share with you concerns I continue to have with respect to things we heard in the pre-study of Bill C-74, which the Standing Senate Committee on Agriculture and Forestry looked at in depth and prepared a report tabled here earlier.

• (1510)

I clearly heard observations and concerns from stakeholders who requested that the government exempt heating and cooling fuel costs related to farming and the carbon price levy from the proposed greenhouse gas pollution pricing act, and specifically to include propane and natural gas under the definition of a qualifying farm fuel in the greenhouse gas pollution pricing act to exempt those fuels from carbon pricing levies.

Further, we heard concerns that the current definitions in the bill do not reflect the full range of farming activities and machinery used in modern Canadian agriculture production.

Let me take some time to share with you some observations and concerns. My first concern is that because the name of the act includes "greenhouse gas," there may be an incorrect assumption by individuals across this country that greenhouses are somehow responsible for this kind of pollution. It is most regrettable that the emissions are greenhouse gases based upon the analogy that they make the atmosphere of the earth like a greenhouse, because they have nothing to do with greenhouse agriculture specifically. In fact, many greenhouses capture the carbon dioxide from clean-burning natural gas and supply it to the plants in the greenhouses in order to further stimulate plant productivity.

My second concern, the current definition of "eligible farming machinery" does not include property that is used for the purpose of providing heating and cooling to a building or a similar structure for agricultural purposes.

As was noted by the Canadian Horticultural Council, we heard in committee that primary agriculture relies on heat for use in greenhouses, livestock barns, grain dryers, and there is a need to cool produce post-harvest, as you well imagine. Yet these buildings, structures and the equipment used in them are ineligible, despite being essential to the Canadian production of high-quality food, feed and fibre.

Without changing these definitions, some of Canada's fastest-growing agriculture sectors, including greenhouse vegetable production, would not be captured under the exemption for farms. Farmers in some provinces could be impacted more than others because of the diverse sources of electricity, and therefore the diverse costs of that electricity.

To put this into perspective, there are four provinces that currently do not have a carbon tax or cap-and-trade system — Newfoundland, P.E.I., Saskatchewan and New Brunswick. As my honourable colleague Senator Mitchell stated earlier in this chamber:

> For farmers, the government has specified two exemptions from carbon pricing for anywhere the federal backstop is implemented: First, non-combustion emissions such as those from cattle, tillage and fertilizer applications will be exempted; and second, gasoline and diesel fuels for on-farm use will be exempted.

However, this bill excludes property that is used for the purpose of providing heating and cooling to a building or similar structure for agriculture production.

I am a member of the Agriculture and Forestry Committee, and we invited industry representatives to appear during our pre-study of Bill C-74. These representatives came in good faith, requesting that all farmers, regardless of province, are given the same exemptions, and that the bill reflect the full range of farming activities and machinery used in modern Canadian primary agriculture.

These requests were reflected in the committee's twelfth report tabled here, and it is unfortunate that none of those amendments subsequently made it into the National Finance Committee report.

The third issue I would like to elaborate on is the need to add propane and natural gas to the definition of a qualifying farming fuel so that they are exempt as well. The exemption outlined in the bill should be extended to all fuels, including propane and natural gas. Farmers are highly dependent upon these fuels.

As was discussed by the Canadian Federation of Agriculture on May 3 at a committee meeting:

> Natural gas and propane play a very important role in production, for example, in grain drying to maintain quality and avoid spoilage prior to marketing and in the greenhouse sector, which is a large user of natural gas for both heat and as a pure source of CO_2 to promote plant growth within the controlled atmosphere of the greenhouse.

It is the CFA's position, as well as the Canadian Horticultural Council and the Canadian Produce Marketing Association, that all on-farm fuels in Canada be exempt from carbon pricing.

Further, Markus Haerle, Chairman of the Grain Farmers of Ontario, noted in the *Ontario Farmer* this week that the Ontario grain farmers do not support a tax on carbon. He went on to say that conservative estimates for grain farmers alone in Ontario suggest an increased cost for farm fuel of $26 million a year with that figure expected to rise over time.

In P.E.I., propane is heavily utilized by many farmers specifically for the purpose of roasting and extruding beans and drying grain.

In New Brunswick, there will be significant impact related to the cooling and packaging of apples if the exemption is not removed because there is a mix of electricity and propane used for some facilities while others use natural gas as well.

Honourable colleagues, I'm speaking to you today as a senator representing Canada, and in particular the agricultural sector. I acknowledge that the changes in the bill just passed wouldn't necessarily impact my province of Ontario unless the new provincial government makes changes to the current cap-and-trade system.

That being said, Ontario has the largest greenhouse sector in the country as measured by the number of farms, which now number approximately 200 growers, 2,880 acres under glass, with farm-gate values of $826 million and an export value of $807 million. The total additional estimated cost from the carbon tax that Ontario vegetable greenhouse growers expected to bear in 2017 was $10 million.

Should the new Ontario government change our current cap-and-trade system, the farm-gate values and export values of those agriculture producers using propane and natural gas in Ontario would decrease dramatically as these primary producers would no longer be exempt from the extra costs imposed on them through the lack of an exemption.

Senators, we did receive confirmation from the Minister of Finance at the National Finance Committee meeting on June 5 that the definition of the full range of farming activities in the bill will indeed be the same as the one used by CRA. I quote Minister Morneau:

> . . . the definition of "farmer" under the CRA versus what we're talking about is consistent. We've gone back to make sure that that's the case, so there is no difference between those definitions.

Further, Senator Harder confirmed this in a letter delivered to the chamber last week.

So the minister has confirmed that all farmers will be treated under the same definition. With that in mind, my last question would be, why is it we're excluding some of these very same primary producers from exemptions under other parts of the bill?

I thank you for your time.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

STUDY ON ISSUES RELATING TO CREATING A DEFINED, PROFESSIONAL AND CONSISTENT SYSTEM FOR VETERANS AS THEY LEAVE THE CANADIAN ARMED FORCES

NINETEENTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—REPLACEMENT OF COVER PAGE

Hon. Jean-Guy Dagenais: Honourable senators, I rise today to request leave of the Senate to replace the nineteenth report of the Standing Senate Committee on National Security and Defence, on the often difficult transition soldiers face when leaving the Canadian Armed Forces. This report was tabled in the Senate yesterday, but we replaced the cover page today.

As a result of a regrettable error, the original cover page pictured two individuals dressed in American military uniforms. We have already been contacted by some Canadians who were upset by this error, and rightly so. This error could detract attention from some very important issues we want to shed light on. One such issue is that the transition from military to civilian life remains needlessly difficult and is in need of reform.

We apologize for this error, especially to the men and women of our military who serve Canada and for those who have been honoured by their country. This report was written for them.

(Ordered, That the cover page of the nineteenth report of the Standing Senate Committee on National Security and Defence, deposited with the Clerk of the Senate on June 13, 2018, be replaced.)

• (1520)

[*English*]

FEDERAL FRAMEWORK ON POST-TRAUMATIC STRESS DISORDER BILL

THIRD READING

Hon. Leo Housakos moved third reading of Bill C-211, An Act respecting a federal framework on post-traumatic stress disorder.

He said: Honourable colleagues, last fall I had the opportunity to hear the sponsor of Bill C-211 speaking about this particular bill. For anyone who hasn't met Member of Parliament Todd Doherty, he is a relatively big, burly gentleman, but he is a soft-spoken gentleman, especially when he talks about post-traumatic stress disorder and the stories that prompted him to draft this bill. He speaks softly but passionately about seeing too many stories on the news describing the latest victims of this horrible illness, about the people he has met who suffer daily with terrible bouts of pain, about the loved ones he has met and those who have also lost their battles. I have also had the opportunity, thankfully through MP Doherty, to meet some of the fathers and mothers, husbands and wives, and sons and daughters of these victims.

We have lost many first responders. We have lost three just over the last four or five days. We lost one of our very own security guards here in the Parliamentary Precinct this past January, who fell victim to this terrible disease and terrible situation. He took his own life, someone who was basically a victim of the 2014 attack on this place.

I have met so many who have suffered this pain. The pain is so evident in their faces, their voices and their souls. I think today of Mary and Steven Rix. They were at the committee last Monday to hear Mr. Doherty testify before our Senate parliamentary committee. They have been here every step of the way as this bill has been drafted, driving up from the Greater Toronto Area for every stage of the bill through the House of Commons and the Senate.

Last Monday was different. I was pretty sure I wouldn't see them at committee. I figured it's just committee testimony; they will be here on another day, a more important day. But sure enough, there they were in the crowd with everybody else while MP Doherty was testifying. They wouldn't have missed it, they said. Why would that day be any different? That day was very different. It was the one-year anniversary of their son taking his own life. He was a paramedic. He was also a father, a son and a friend to many.

For me, Mary and Steven Rix have become the face of this legislation, like so many others who have suffered across this country. Corporal Lionel Desmond has become a poster family of this particular situation. We all know Corporal Desmond, who had served with distinction in the Canadian military, took his own life. He suffered an endless amount of pain. One can only imagine to what levels of darkness he must have fallen to have taken not only his own life, but the lives of his mom, his wife and his 10-year-old child.

Sadly, there are thousands and thousands of families and friends around Canada who are mourning the loss of loved ones because of PTSD, whether they have taken their own life, are self-medicating or just struggling every day trying get the help they so desperately need. That's where this legislation comes in, colleagues. Police, firefighters, paramedics, medical responders in our military, these are all people who are there for our loved ones, and they are there for us when we need them in times of urgency. It's now our turn to make sure they are taken care of in their time of need.

That's what Bill C-211 does. It is the first step in making sure there is a uniform approach to addressing PTSD in this country. Let there be no mistake that this bill isn't a fix-all and won't solve everything overnight. This bill isn't the framework that we so desperately need, but it is a good place to start developing that framework. The real work will begin after this legislation is passed. That's why it is so important that we do pass it.

I want to take the time to thank my colleagues here in the Senate, especially the critic of the bill, Senator Bernard, as well as the members of the National Security and Defence Committee, who dealt with this bill in a respectful, thoughtful and expeditious fashion. Particular thanks go out to the chair, Senator Boniface, and the deputy chairs, Senator Jaffer and Senator Dagenais, for doing excellent work and understanding the urgency of this. I want to thank all of leadership in this chamber for coming together and supporting this bill. I want to thank all senators who have spoken so passionately in favour of this bill.

I also want to thank those who have made observations to this bill that will widen the scope and make it all-inclusive to make sure that anyone suffering from PTSD is not left behind. I am confident the government will heed those observations, and when they have that national conference, they will make sure that everybody who is affected by it will be put around the table.

I would also like to thank our colleagues in the other place, particularly the government, for embracing this private member's bill and working together to make sure that we take this giant first step. This legislation has been one of those occasions where political and ideological differences were thrown out the window.

I especially want to thank the author of the bill, Mr. Todd Doherty, who is behind the bar. I know how much this means to you, Todd. He has poured his heart and soul into getting this bill passed. PTSD is a national crisis. With this legislation, we have a chance to do something about it.

Colleagues, I have now been in the Senate for over nine years. As we all know, we deal with all sorts of pressing issues, sometimes budgets and numbers and legalese legislation, and from time to time we deal with legislation that directly touches people in this country. So I'm particularly proud to have been given the opportunity to play a small role in that because I know this piece of legislation will give some small comfort and some satisfaction to so many who are suffering. Thank you, colleagues.

The Hon. the Speaker *pro tempore*: Senator Lankin, on debate?

Hon. Frances Lankin: Honourable colleagues, I rise today to speak on behalf of Senator Bernard, who is the critic for this piece of legislation. If I may deliver her remarks in her words:

[*On behalf of the Hon. Wanda Elaine Thomas Bernard*]

Honourable senators, I rise today as critic of Bill C-211, An Act respecting a federal framework on post-traumatic stress disorder. Thank you, Senator Housakos, for your advocacy on this file as the sponsor.

After studying this bill, the Standing Senate Committee on National Security and Defence made several observations, and I support each observation that was made. The observation to create more inclusivity within Bill C-211 is key to ensuring that all people who experience work-related PTSD will be impacted positively by this bill. I support the consideration involving the use of the phrase "in particular" to describe the occupations impacted by the framework. This will include other high-stress occupations such as nurses, psychologists, social workers and other health care providers.

The committee made an observation that there will be consultation with the Canadian Psychological Association to establish and disseminate the guidelines. The committee suggests the use of the words "operational stress injury" as individuals who live with occupational linked depression, anxiety disorders, adjustment disorders and substance disorders will be supported by the framework.

Lastly, I support the observation that these mental health issues may stem from other factors not related to the occupation itself but experiences at work such as harassment and violence. These observations are important components to creating a PTSD framework to include as many people who are living with work-related mental health challenges.

Honourable colleagues, I urge you to support this call for a national framework for post-traumatic stress disorder.

If I may add my words of thanks to the sponsor, to the critic and to the author of the bill, I certainly will be heeding your call for support and endorsing this bill. Thank you.

Hon. Mobina S.B. Jaffer: Honourable senators, I rise today to speak on Bill C-211, An Act respecting a federal framework on post-traumatic stress disorder.

• (1530)

I would like to acknowledge the hard work done by Mr. Doherty, the author of the bill. I would like to thank Senator Housakos, the sponsor of this bill, and Senator Bernard for her work as its critic.

I would like to begin by stating that I support the spirit of this bill. Post-traumatic stress disorder or PTSD is a prevalent issue that affects seven or eight out of every 100 Canadians at some point in their lives.

For Canadians in the most stressful of work environments, like Canadian Armed Forces members, Royal Canadian Mounted Police members and first responders, among many others, the risk of developing PTSD is amplified. Each day these people put on their uniforms to protect, serve and heal Canadians, knowing that they will experience tragedies every day. While we as Canadians applaud these people for the heroic work that they do, they are just as at risk of developing PTSD as we are. To truly drive home just how much these heroes can struggle with mental health issues, I would like to share a story with you.

Natalie Harris had been a paramedic for 13 years. She had a reputation as one of the most caring and committed people in the area and was known for her ability to form connections with her patients as she held their hand and comforted them on their way to the hospital. When Natalie was assigned to handle a double murder case in 2012, the experience had a permanent impact on her. The things that she saw while working on that case would stay with her for many years, in the form of PTSD.

However, Natalie was unaware of her condition. She thought that she was fine and in fact did not want to admit that anything was wrong. She loved her job and knew that she would have to leave if she had a mental health condition. And so she kept on working in her strenuous job without any kind of support. Eventually, Natalie would find that this would prove too much for her, and she suffered a serious drug overdose, and she struggled to cope with her symptoms of PTSD. Thankfully, Natalie survived her overdose. However, many others like her do not. According to the Tema Conter Memorial Trust, a total of 68 first responders took their own lives in 2016 because of PTSD.

Stories and statistics like these are why Bill C-211 was drafted. The bill's purpose is to create a national framework that can prevent stories like Natalie's from ever happening again. By bringing together ministers, provincial and territorial representatives and stakeholders from across Canada, Bill C-211 starts an important conversation on what a national approach to prevent PTSD should look like.

It lets us develop consistent terminology, diagnosis and care to ensure that every Canadian will have access to evidence-based assessments and a far better treatment outcome. There is no doubt that this is an admirable goal. Countless Canadians are suffering from PTSD and deserve a strong framework that can help them improve their mental health. However, as we move forward with this bill, we need to ensure that this bill is as inclusive as possible in its approach to dealing with PTSD.

This is something that the author of the bill himself has called for. When Todd Doherty came before the Standing Senate Committee on National Security and Defence, he told us that he wanted to create a framework for PTSD that would reach out to the widest possible range of Canadians. His intent is for Bill C-211 to be as inclusive as possible.

Unfortunately, certain interpretations of Bill C-211 could prevent this from being the case. When this bill came before the Standing Senate Committee on National Security and Defence, several senators raised issues that could easily exclude several groups from a national framework on PTSD. Each of these issues was raised in the committee's report, and I would like to touch on some of them today.

To be clear, I do not believe that any of these issues requires an amendment. Bill C-211 allows for flexibility since it does not actually create the framework. It only encourages ministers, officials and stakeholders to start a discussion on how this framework should look. However, I do believe that we should urge the conference on post-traumatic stress disorder to keep these issues in consideration, since they will ultimately be responsible for creating the final framework.

First, it is worth noting that Bill C-211's preamble suggests that the framework should focus only on cases of PTSD that were developed because of occupational requirements. In other words, if someone experiences PTSD for other reasons, they could be excluded from the national framework. This simply makes no sense. Countless cases of PTSD emerge because of causes unrelated to a person's responsibilities, particularly sexual misconduct and harassment.

To put this into perspective, 90 per cent of individuals who experience a sexual assault will exhibit symptoms that could eventually cause mental illness, and particularly PTSD. In organizations like the Canadian Armed Forces and the RCMP, this is a particularly serious issue. We already know that both organizations are currently struggling with sexual misconduct that wreaks havoc on countless victims across Canada. To not count these cases would be to ignore one of the major causes of PTSD that affects the people who serve and protect Canada every day.

Second, we must ensure that our nurses will be accounted for in the national framework for PTSD. Nurses take on some of the most difficult and strenuous medical work, including working in emergency rooms, trauma units, palliative care, operating rooms and psychiatric wards. They are on the front lines of Canada's battle against the opioid epidemic and are often the first people to take over from paramedics when they bring patients over in critical condition.

Unfortunately, there is a very real chance that nurses could be excluded from a national framework on post-traumatic stress disorder. Currently, the bill's preamble focuses only on a very limited number of fields. Right now, Bill C-211 only lists first responders, firefighters, military personnel, corrections officers and members of the RCMP. Honourable senators, other groups also need to be added to this framework.

The work nurses do is just as difficult and heroic as the work undertaken by our military, police, corrections officers and first responders, and as a result, they also experience post-traumatic stress disorder just as often. According to the Manitoba Nurses Union, one in four nurses experience PTSD symptoms. These nurses are also incredibly vulnerable to PTSD caused by workplace harassment and sexual misconduct, since 61 per cent of all nurses reported harassment, abuse and assault on the job over the course of 2017.

Excluding people from high-stress fields like nursing from Bill C-211 would be a serious mistake, but it is one that can be solved without an amendment. As I mentioned before, the bill's preamble lists a range of occupations, but only lists them as groups that are "particularly" vulnerable to PTSD.

In other words, the preamble leaves room for an interpretation that can account for all groups that are at risk, including nurses. If we follow this interpretation, then we can truly have the inclusive bill that the bill's author, Mr. Todd Doherty, intended.

Finally, I would like to touch on the term that this bill has focused on in particular, post-traumatic stress disorder.

It is unsurprising that PTSD was chosen as the main focus for Bill C-211. Of the mental health conditions that people in high-stress jobs experience, PTSD is by far the most common. However, it is important to note that it is far from being the only one. Workers in high-stress jobs experience occupation-linked depression, anxiety disorders, adjustment disorder and a full range of substance disorders. To simply focus on PTSD would be to leave out a significant number of Canadians who seriously need support.

With that said, it is possible to account for these people within the confines of Bill C-211 without presenting an amendment. Part of the mandate given to the conference on post-traumatic stress disorder is to create a list of consistent terminology that can be used for the federal framework.

I strongly urge the conference to consider the use of the term "operational stress injury," or OSI. This term has a range of undeniable benefits that have helped psychologists and our military over the 17 years that we have used it. This term emphasizes that a full range of clinical diagnoses can be associated with trauma experienced while working.

• (1540)

Further, calling these terms "injuries" gives them the same legitimacy as physical injuries and plays a real role in reducing the stigma surrounding mental health.

Finally, the term has been widely adopted across our military and psychological associations across Canada, meaning that we can draw on a wide range of experience with this term.

Simply put, using this term can only strengthen our national framework on PTSD and our understanding of the full spectrum of conditions associated with stressful workplaces.

Honourable senators, I would like to stress once more that I'm not calling for Bill C-211 to be amended. While I believe that it is important for the bill to be as inclusive as possible, I do not think that its problems require an amendment to be solved. It is important to remember that this bill does not create a federal framework on its own.

There will be more work done to include groups such as nurses.

Instead, much of the responsibility will rest in the hands of the conference on post-traumatic stress disorder that this bill creates. By raising these issues before the conference instead of amending Bill C-211, we can ensure that Canadians can enjoy a truly inclusive federal framework on PTSD without delaying it any further.

Honourable senators, I first of all, want to thank Mr. Todd Doherty and Senator Housakos for bringing this bill to this place, but I would be remiss if I did not today acknowledge our colleague Senator Roméo Dallaire. Senator Dallaire taught us many things. I still work with Senator Dallaire in Uganda, and when I speak of PTSD, I often think of the suffering he regularly suffers. He was a cherished member of our Senate and many nights I worked with him, this man suffered severely from PTSD. There are many more Canadians like that and we have to stand up for them. Thank you very much.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

GENDER EQUALITY WEEK BILL

THIRD READING

Hon. Joseph A. Day (Leader of the Senate Liberals) moved, for Senator Dawson, third reading of Bill C-309, An Act to establish Gender Equality Week.

He said: Senator Dawson had a personal matter and was not able to be here, but he asked me to move third reading on his behalf of Bill C-309, An Act to establish Gender Equality Week.

I have already spoken on this, honourable senators. This is another one of the recognition measures, where we have days, weeks and months on different matters. This one relates to Gender Equality Week, and if this bill passes, Gender Equality Week will be celebrated in early September.

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

CRIMINAL CODE
IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—TWELFTH REPORT OF HUMAN RIGHTS COMMITTEE ADOPTED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Human Rights (*Bill S-240, An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs), with an amendment*), presented in the Senate on June 7, 2018.

Hon. Jane Cordy moved the adoption of the report.

She said: Senator Bernard, the chair of the committee, asked that I explain the amendments contained in this report and therefore, honourable senators, I ask for leave to do so.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Senator Cordy: [*On behalf of the Hon. Wanda Elaine Thomas Bernard*]

The Standing Senate Committee on Human Rights passed Bill S-240, An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs) with amendments on June 6, 2018. The bill creates new Criminal Code offences related to the trafficking in human organs. I would like at this time to thank Senator Ataullahjan very much for bringing this bill forward to the Senate and also after hearing the testimony for bringing forward the amendments to our committee. Thank you very much, Senator Ataullahjan.

First amendment: The Committee amended the bill to narrow the criminal offences to cover only transplants of human organs. The amendment removes the word "tissue" from the bill because this term may be broad enough to include, for example, human eggs, sperm and embryos. The amendment is particularly relevant because the bill criminalizes transplants obtained as the result of financial transactions(new Code section 240.1(2)).

Second amendment: Since the bill's prohibitions criminalize organ transplants where the individual providing the organ did not give informed consent for the removal of that organ, the committee has amended the bill to add a definition of "informed consent." Informed consent means "consent that is given by a person capable of making decisions with respect to health matters and with knowledge and understanding of all material facts, including the nature of the organ removal procedure, the risks involved and the potential side effects."

That was the amendment that was made to put that definition in the bill.

Third amendment: The Committee also amended the sentencing provision to bring the proposed sentence for organ trafficking offences into line with the current maximum penalty for the offence of aggravated assault. Accordingly, the maximum penalty has been reduced from life imprisonment to imprisonment for a term of not more than 14 years. There is no mandatory minimum sentence in the bill.

Fourth amendment: The Committee's amendments will also require treating physicians to report individual patients' names and the fact that they had organ transplants to an authority to be designated in regulations. This provision applies to all organ transplants and there is no penalty for non-compliance (new Code s. 240.2). The reporting requirement is intended to help authorities to gain an understanding of the scope of the involvement of Canadians with organ trafficking and to help identify possible instances of organ trafficking. Providing a legal duty to report will also ensure that doctors who do so are not breaching their professional obligations relating to patient confidentiality.

I thank you, honourable senators.

Hon. Senators: Hear, hear.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Ataullahjan, bill, as amended, placed on the Orders of the Day for third reading at the next sitting of the Senate.)

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Patterson, seconded by the Honourable Senator Enverga, for the second reading of Bill S-221, An Act to amend the Constitution Act, 1867 (Property qualifications of Senators).

Hon. Donald Neil Plett: Honourable senators, I see this item is at day 15. I would like to take the adjournment of the debate.

(On motion of Senator Plett, debate adjourned.)

• (1550)

VOLUNTARY BLOOD DONATIONS BILL

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Wallin, seconded by the Honourable Senator Boniface, for the second reading of Bill S-252, Voluntary Blood Donations Act (An Act to amend the Blood Regulations).

Hon. Donald Neil Plett: I will speak very briefly to this.

Colleagues, I rise to speak in strong support of the voluntary blood donations act, known as Bill S-252.

Just over 30 years ago, colleagues, we experienced one of the most devastating internal medical crises that our country has ever seen. Due to a lack of proper government regulation on our country's blood collection and distribution systems, the prevalence of HIV and hepatitis C became apparent within our society.

The tainted blood crisis, precipitated by a lack of proper screening of blood donations, caused some of those who received blood donations to become infected with these two aforementioned blood-borne viruses. It is believed that one of the reasons that this crisis occurred was that, during this time, blood donors were compensated for their donations. This medically cataclysmic event shocked our country by infecting an estimated 30,000 Canadians with tainted blood.

In an effort to prevent a medical crisis such as this from ever again occurring in Canada, Judge Horace Krever launched a full investigation of the Canadian blood system, chiefly the methods used for collection and screening. A key recommendation that arose out of the findings of the Krever commission was that blood donors should not be paid.

Justice Krever supported this finding by pointing out an inevitable truth: Individuals who seek compensation for their donation of blood often do so not out of a desire to donate their blood but, instead, out of a desire to obtain compensation.

Today in Canada, it is my opinion we are heading down the road of the 1980s once again. Canadian Plasma Resources is a privately funded plasma collection organization that began offering compensation for plasma donations in Saskatchewan in February 2016. The organization started out small, opening its first clinic in Saskatoon. However, since then, against the advice of Canadian Blood Services, Health Canada has again given CPR the green light to open more facilities across the country.

Becoming a paid donor at CPR is relatively easy. When you arrive, you fill out a brief medical history and are given a physical examination by an on-site physician. You can then sit down, read a magazine, watch a movie or do other things to pass the time while your 90-minute plasma collection takes place. After you're done, you go to the checkout counter and receive a $25 compensation "for your time," as CPR claims.

Donors are encouraged to donate often in exchange for Super Hero Rewards. The more donations you make, the higher the value of your membership becomes. Members with silver and gold statuses even qualify for monthly raffles, the prizes of which are valued at over $2,000.

While this may sound appealing in theory, colleagues, it encourages individuals to completely miss the point of donating blood and plasma. An individual should want to donate blood or plasma in order to help fellow citizens, and there is no motivation for an individual to do so through voluntary blood donation clinics if the CPR clinic next door is able to offer such fabulous prizes to their donors.

What's more, these facilities conduct no screening on the plasma they obtain.

The Saskatoon clinic was not the first CPR clinic to open its doors in Canada. In 2013, CPR attempted to open three of their facilities in Ontario, conveniently located in proximity to places such as methadone clinics and men's missions. In these cases, CPR was attempting to target less fortunate members of the populations that would likely be more willing to donate plasma in exchange for cash.

This sparked outrage within the province and eventually led to a piece of legislation similar to Bill S-252 being passed in Ontario in December 2014. With this legislation enacted by Queen's Park, the province effectively banned the collection of paid blood and plasma donations, citing the tainted blood crisis of the 1980s as an event in history that we as Canadians should not allow to be repeated.

Honourable senators, with this bill, we have a chance to make a lasting impact on the health system in Canada. We have a chance to prevent our Canadian blood and plasma supplies from being tainted by insincere donors whose donations do not undergo substantive screening processes. We have a chance to stop history from repeating itself and create a new, lasting and

safe blood collection mechanisms within Canada, one that encourages Canadians to help their fellow man in the interest of goodwill and not in that of profit.

As Senator Wallin stated in her second reading speech, the tragedies of Humboldt and the Toronto van attack serve as proof that Canadians are willing and, indeed, want to heed the call to help their fellow citizens, not for compensation but out of the goodness of their hearts.

Colleagues, in passing this bill and preventing private corporations like CPR from paying for plasma donations within Canada, we would be able to ensure that Canadian Blood Services, an organization committed to the safe screening of blood and plasma, would be the main collector of our blood supply. We would ensure that Canadians who donate blood are not doing so for incentive but out of compassion. Finally, we would work toward becoming 100 per cent self-sufficient in our Canadian blood supply, a recommendation from the World Health Organization.

Colleagues, I believe this bill will lead to a better, safer and more sufficient Canada. I will vote in favour of this bill, and I ask that you join me. Thank you.

Hon. Senators: Hear, hear!

(On motion of Senator Omidvar, seconded by Senator Harder, P.C., debate adjourned.)

SENATE MODERNIZATION

NINTH REPORT OF SPECIAL COMMITTEE—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Frum, seconded by the Honourable Senator Beyak, for the adoption of the ninth report (interim) of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Question Period)*, presented in the Senate on October 25, 2016.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, this item is at day 14. I'd like to take the adjournment for the balance of the time on behalf of Senator Smith.

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Martin, seconded by the Honourable Senator Mockler, that further debate be adjourned in the name of Senator Smith until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(On motion of Senator Martin, for Senator Smith, debate adjourned.)

• (1600)

STUDY ON ISSUES RELATING TO SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY GENERALLY

TWENTY-FOURTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the twenty-fourth report (interim) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled *The Federal Role in a Social Finance Fund*, tabled in the Senate on May 10, 2018.

Senator Eggleton moved:

> That the twenty-fourth report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled *The Federal Role in a Social Finance Fund*, tabled in the Senate on May 10, 2018, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Families, Children and Social Development being identified as minister responsible for responding to the report.

He said: Honourable senators, I'm going to age myself, but my career in public office started almost half a century ago, in the 1970s as a Toronto city councillor and in the 1980s as Mayor of Toronto. Throughout that period, and since then, I have followed something called social enterprise. Social enterprise is the idea of creating a business along business models, a revenue-generating kind of business, but for social purpose. You might also call it profit for purpose.

In the early days, I recall it was mainly to give employment opportunities to people who were on the margins of society and people, for example, who had disabilities and had difficulty getting jobs. Certainly, in those days, there weren't a lot of measures that exist today to help people with disabilities. Or it could be people coming out of the prison system, which, then, as now, makes it difficult to get a job.

Some of the enterprises or businesses were simple things like the delivery of envelopes, delivery of packages or, perhaps, hauling stuff. One I remember involved commodities, taking coffee, repackaging it and selling it to not-for-profit organizations as a means of giving former prisoners an opportunity to earn a living. It could also involve the recycling of materials and metals and making new things that were saleable items.

All of these things did help a lot of people and at the same time if they happened to earn extra money, they would plow the money back in to create even more jobs to try to scale up the business a bit, or contribute it to a charity that was compatible with the need to help the people who were also getting the employment.

But as time went on the idea of social enterprise gained more and more momentum and got into more sophisticated and more challenging kinds of programs that required a lot more money. A lot of the early programs were done on a shoe string, but now a lot more money was required to move them along.

If they wanted to scale up some of these smaller businesses, it again required some capital investment or they got into environmental issues which required a fair bit of capital investment.

So as the need for more and more funds for social enterprise was happening, the question of social finance then came into the picture. Social finance is what this report that I'm introducing is all about.

Out of social finance came many different concepts and ideas. One, for example, was on the provision of social impact bonds. You know, there are literally billions of dollars out there in private funds such as pension funds, for example, credit union funds and many other individuals who have considerable wealth and who want to use it for some social purpose. There are billions of dollars of funds out there that could be made available for what they also call impact investing or an investment in something that might not have the highest return on the money as some people want to get but has a social purpose involved with it. So you combine the social good with some return on investment, and you have got social impact investing.

One very interesting one that I recall from a decade ago also brought in the question of pay for performance. This was one that was done in Peterborough, England, where a prison existed and where the concern was to try to get recidivism down to a lower level. At that point in time people were coming out of that jail and about 60 per cent of them were back within a year, having committed another offence. They couldn't get on with their life in some way. They weren't getting the social support and counselling services and help they needed so they ended up recommitting, getting convicted and going back, so a social impact bond was issued.

There were some 17 investors in this and they made the aim of getting the rate of reoffending down by 7.5 per cent. The government of the U.K. was very interested in this: "Wow, you reduced this reoffending and you're saving a lot of money." I think we have all heard that it costs in excess of $100,000 a year to keep someone in prison in this country. There is a lot of money involved here, so they saw the benefit of that and they said that they would contribute some money to these investors if this target was met.

Lo and behold, the target was more than met. They didn't just cut it by 7.5 per cent; they cut it by 9 per cent, so the investors got a return on their investment, the government saved money because not as many people were going back to prison and a social purpose was obtained, which was good for society and good, particularly, for the individuals involved. They got on their feet and got the help they needed to get into a better way of life. That's just one example.

My conservative friends will be interested to know that around the same time, in about 2012, Diane Finley, the then Human Resources Minister, started talking about social impact bonds and these kinds of programs being something worth pursuing. So regardless of any political stripe, this has been looked upon, and is being looked upon, as something worthy of pursuing.

In spite of all this, however, the number of funds that were established for this purpose of social enterprise only skim the surface. There is still a lot of money out there that could be put to benefit. As I mentioned earlier, there are pension funds and there are people with a lot of wealth who are willing to see some of that money go into social purpose finance, so there is a lot more that can be done.

Around 2009 there was a task force set up, the Canadian Task Force on Social Finance. Paul Martin was a part of that and, just to balance it politically, the late Stanley Hartt was also part of it. It was chaired by Ilse Treurnicht, the CEO of MaRS in Toronto. They came up with a report with a good phrase that I think summarizes it all. The phrase was *Mobilizing Private Capital for Public Good*.

They offered seven recommendations. The recommendations included such things as suggesting that Canada's public and private foundations should invest at least 10 per cent of their capital in mission-related investments like social enterprise. Instead of designating the money as charitable donations, these kinds of investments create jobs and create more money in profit for purpose, in other words. They also suggested exploring the opportunity to mobilize the assets of pension funds in support of impact investing. A lot of these pension funds are operated by unions for people in unions or public employee associations. Why not use some of that money for that kind of a purpose?

I'm doing this for my colleague: They also wanted to ensure charities and non-profit organizations are positioned to undertake revenue-generating activities in support of their missions and that regulators and policymakers need to modernize their framework so they can do that: not only to give money away but to help invest it to make more money for more social purpose. And, to encourage private investors to provide lower costs and patient capital, social enterprises need to maximize their social environmental impact.

There was one other recommendation and that recommendation said:

> To mobilize new capital for impact investing in Canada, the federal government should partner with private, institutional and philanthropic investors to establish the Canada Impact Investment Fund. The fund would support existing regional funds — a sort of wholesale fund — to reach scale and catalyze the formation of new funds. Provincial governments should also create impact investment funds where these do not currently exist.

• (1610)

That particular recommendation is the subject of the report. The report was put together. We had two meetings in February. A number of expert witnesses came in and talked about the issues of social finance. It's this report here. You should have seen it; everybody hopefully got it. Let me mention the six recommendations in the report. The report was unanimous — all parties, all concerns, all groups.

Recommendation 1

> The committee recommends that the federal government create and contribute to a pan-Canadian social finance fund. The fund would operate at arm's length from the government, thus not constraining how funds were raised or spent, other than to determine its purpose and to establish accountability mechanisms for its contribution.

We also talked about what kind of entity this might be. It could be something like the Business Development Bank, if you wanted to go to a Crown corporation, or it could be something totally outside of any realm relevant to the federal government because there is the sensitivity of being at arm's length.

I have one other comment on the first recommendation. It would help signal to investors that the government is behind this kind of approach and is helping to provide some stability of a given fund. That is a powerful lever in terms of getting private sector funds in for public good.

Recommendation 2

> The committee recommends that when assessing where to invest federal money in a social finance fund, the government look for opportunities to leverage funds from other investors.

There is also one interesting idea that they do in the U.K.; they have a plan in the U.K. whereby they take monies from old bank accounts. These are bank accounts that have been unclaimed for some period of time, and they invest that money in the social finance fund. Now if we did that here in Canada, it's worth bearing in mind that every year the Bank of Canada is given decade-old dormant bank accounts by other financial institutions and credit unions. And a lot of them are small — a few dollars here, a few dollars there. But they sit around for a decade and if they are unclaimed at that point and time, they are shifted over to the Bank of Canada. The Bank of Canada had $678 million at the end of 2016 from 1.8 million of these little balances. That's a lot of little balances totalling $678 million; not bad.

What happens to that money? The Bank of Canada eventually can transfer it to the federal coffers but can't do that for a long period of time, so it invests the money for sometimes 30 years and up to 100 years. What does it invest the money in? It invests it in Canada savings bonds and treasury bills, which seems logical, but if you want a low rate of return, that's a low rate of return.

It's secure, yes. But without dipping into the coffers, these are funds that could be used to help leverage private sector funds. That's just one idea that we said should be looked at, and that is part of what Recommendation 2 is about.

Recommendation 3 is actually more specific about it. It says:

> The committee recommends that the federal government explore the use of dormant bank accounts as their basis of capital for the social finance fund.

Recommendation 4

> The committee recommends that a portion of the federal contribution to a social finance fund be targeted to the development of new intermediary funds . . . .

Those are people who help put the funds together. People over here need the funds, people over there have the funds and you help pull them together. That's what that's all about.

> . . . that will provide economic and social opportunities to traditionally marginalized regions and communities.

We have found that the funds that do exist to help social enterprise are largely centred in places like Vancouver and Toronto. Edmonton has a very significant fund as well. We need to spread it around for people in other parts of the country in smaller communities to benefit from those funds.

Recommendation 5

> The committee recommends that the fund support institutional capacity building to ensure that organizations are capable of participating in the social finance ecosystem.

That's a complementary one to the other one I just read; helping to build capacity in different communities across the country.

Finally —

The Hon. the Speaker *pro tempore*: Senator Eggleton, would you like five more minutes?

Senator Eggleton: May I have two minutes?

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Eggleton: Thank you.

Recommendation 6 is the final one.

> The committee recommends that the federal government make a multi-year commitment to a social finance fund, with fixed amounts flowing periodically over years, and that the government anticipate a longer time to offer returns.

We need patient capital as part of all of this.

Those are the six recommendations on social finance. We think it's a great way to mobilize private capital for public good. That will help to solve a lot of problems for people who are marginalized in our society, people who are of low income, people who are having difficulty getting jobs, people who need the kind of social enterprises that this finance fund will help.

Thank you very much. I hope we will adopt the report.

Hon. Ratna Omidvar: Honourable senators, I too rise today to speak to the Social Affairs report, *The Federal Role in a Social Finance Fund*. I want to thank all members of the Social Affairs Committee, in particular our chair, for so enthusiastically embracing the conversation of the ideas and the study.

As Senator Eggleton has pointed out, social finance is not a new idea in Canada. It has certainly been around for some time, but it has been tested and tried in many pilots in micro-ways. This report takes it to the next level and proposes a macro-project and a macro-solution to the testing that has been done in the field over the last 10 years or so. The report gives the government very timely, productive, constructive and practical advice on how to go about doing this.

I will start by saying that the challenges of our times continue to evolve. We have old challenges, such as affordable housing, but we also have new emerging challenges such as the development of products for a low-carbon economy. And all of these challenges need to be financed and resourced in one way or another.

So it is important for us to address the challenges and also think about new streams of revenue, and social finance provides a very interesting idea to do this.

As Senator Eggleton has said, let's think of social finance as profit with purpose. It encourages private investors, banks, pension funds, investment firms and wealthy individuals to commit their money for a project or enterprise that has a social purpose. Not only do investors get a return on their investment, but they also leave a legacy of public good. I believe there are many such institutions and investors that could be brought into this conversation. For example, an investor could invest in a fund that builds housing on reserves or a fund that supports the employment of marginalized people in small-scale businesses.

It is important to note that the social finance fund does not look for donors. It's not looking for the charitable dollar. It's looking for investors, and investors demand a return on their investment.

In 2017, the investment firm All Street looked at some of the returns generated and found that certain funds with a social mission generated returns of up to 33 per cent. Now I admit that is out of the box; I'm taking the best example. But I believe investors can generate a profit at the same time as leaving a social impact.

The report identifies a problem and a solution. Witnesses told us that Canada has many good ideas. There are many wonderful projects and initiatives. We heard about the Huron-Wendat project that builds housing on reserves. There are many projects, but there is no ecosystem that supports taking them to scale. We're not just talking about 10 houses or 100 houses; we're talking about 1,000 houses, and that requires serious money.

• (1620)

So our committee recommended that the government create and capitalize a pan-Canadian social finance fund. As Senator Eggleton pointed out, it would run at arm's length. Maybe it's the Business Development Bank. Maybe it's CMHC, but it would leverage private capital, from coast to coast, to be used for such ideas. It would bring together private and institutional investors with proven, tried, tested and evaluated initiatives. These would be led sometimes by charities, sometimes by not-for-profits and sometimes by businesses so that their scope would be amplified.

The committee recommended that the government should explore different ways of capitalizing this fund. However, one especially intriguing idea — and Senator Eggleton has pointed it out — is thinking of using dormant bank accounts. Using a portion of the dormant bank accounts in Canada, as Senator Eggleton pointed out, the figures range from $628 million to $750 million currently invested in low-yield savings bonds and Treasury bills, and I believe that a portion of these funds could be used to capitalize such a market, such an ecosystem for social finance, and also provide a better return for Canada than low-yield savings bonds.

This is not an idea that we have plucked out of fantasy. This idea comes from the U.K. In 2008, the United Kingdom passed the Dormant Bank and Building Society Accounts Act. It established a process by which British financial institutions could transfer unclaimed balances into a fund called Big Society Capital. Many banks in the U.K. have contributed to this, including Barclays, HSBC and others.

As one example, Big Society Capital invested 50 million pounds in the Real Lettings Property Fund. That fund buys London apartments and then leases these apartments to a homelessness charity, which then leases these apartments to people who may be at risk of homelessness. The investors earn a return from the rent paid by the tenants and from the apartment sale after seven years.

Honourable colleagues, I believe that Canada is brimming with such good ideas, but they need access to capital, not $10,000, not even $1 million. They need access to big pools of capital. For that, we need a social finance marketplace. I have always maintained that money follows good ideas and not vice versa. This is a very good idea. I hope you will support sending this report off to the government for a response, as required, and I am wondering if at some other time the National Finance Committee would do a study on dormant bank accounts and see whether, in fact, this idea resonates appropriately in Canada.

(On motion of Senator Martin, debate adjourned.)

ARCTIC

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—SECOND REPORT OF SPECIAL COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Special Committee on the Arctic (*Budget—consider the significant and rapid changes to the Arctic, and impacts on original inhabitants—power to hire staff and to travel*), presented in the Senate on June 5, 2018.

Hon. Dennis Glen Patterson moved the adoption of the report.

He said: I do need to speak to this report briefly.

Colleagues, the second report of the Special Committee on the Arctic is a budget report. The committee was first planning to organize two trips to the Arctic within the time limit of its mandate, and, as a reminder, the Arctic Committee is scheduled

to finish its work by December 10, 2018. Because we were planning two separate trips, this first budget report is for a fact-finding mission in the western Arctic. We were hoping to organize a second fact-finding mission in the eastern Arctic later in the fall. After some discussions with our colleagues at the Subcommittee on Committee Budgets and hearing some concerns regarding the costs involved with travelling in the Arctic, the committee agreed on Monday last to merge the two trips within the same budget and time frame we presented before the Senate last week.

We will change our itinerary to visit both the western and the eastern Arctic on the same trip and, therefore, not come back with a second request for funds. I hope you will agree with this change and adopt your committee's report with this proposed change.

Hon. Pierrette Ringuette: Question?

The Hon. the Speaker *pro tempore*: Senator Patterson, will you accept a question?

Senator Patterson: Yes.

Senator Ringuette: Thank you. Could you please elaborate on what the budget is that you are seeking?

Senator Patterson: Thank you for the question. The budget that was approved by the Subcommittee on Committee Budgets was $350,000. That recognizes the fact that travel in the Arctic is not possible with scheduled flights because of limited service. So it has to be done by charter. The committee observed to us that this was quite a lot of money, given the overall budget, and there was discussion about whether or not we could merge our planned trips in the western Arctic and then in the eastern Arctic into one.

So I discussed this with the committee and got support. So we're now going to get two trips from that budget, covering this vast area, which is about 40 per cent of Canada, from Nunatsiavut in the East, in the Atlantic, all the way to Inuvik in the West. So it's a huge area to cover. Those funds, we are confident, can allow us to revise our itinerary and cover that area as we had hoped.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

HUMAN RIGHTS

BUDGET—STUDY ON ISSUES RELATING TO THE HUMAN RIGHTS OF PRISONERS IN THE CORRECTIONAL SYSTEM—THIRTEENTH REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the thirteenth report of the Standing Senate Committee on Human Rights (*Supplementary budget—study on the issues relating to the human rights of prisoners in the correctional system*), presented in the Senate on June 7, 2018.

Hon. Mobina S. B. Jaffer moved the adoption of the report, for Senator Bernard.

Hon. Pierrette Ringuette: I have a question for Senator Jaffer, if she could answer.

The Hon. the Speaker *pro tempore*: Would you accept a question, Senator Jaffer?

Senator Jaffer: Sure.

Senator Ringuette: Same question. I guess I'm taking over from Joan Fraser today. Could you elaborate on the budget request, please?

Senator Jaffer: Honourable senators, may I ask that this matter be adjourned until next Monday, and I'll get the answer for you? Thank you.

(On motion of Senator Jaffer, for Senator Bernard, debate adjourned.)

STUDY ON INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS

FOURTEENTH REPORT OF HUMAN RIGHTS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the fourteenth report of the Standing Senate Committee on Human Rights, entitled *Promoting Human Rights - Canada's Approach to its Export Sector*, tabled in the Senate on June 7, 2018.

Hon. Mobina S.B. Jaffer moved:

> That the fourteenth report of the Standing Senate Committee on Human Rights, tabled on Thursday, June 7, 2018, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Foreign Affairs being identified as minister responsible for responding to the report, in consultation with the Minister of International Trade.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

• (1630)

THE SENATE

MOTION TO RESOLVE THAT AN AMENDMENT TO THE REAL PROPERTY QUALIFICATIONS OF SENATORS IN THE CONSTITUTION ACT, 1867 BE AUTHORIZED TO BE MADE BY PROCLAMATION ISSUED BY THE GOVERNOR GENERAL—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Patterson, seconded by the Honourable Senator Runciman:

Whereas the Senate provides representation for groups that are often underrepresented in Parliament, such as Aboriginal peoples, visible minorities and women;

Whereas paragraph (3) of section 23 of the *Constitution Act, 1867* requires that, in order to be qualified for appointment to and to maintain a place in the Senate, a person must own land with a net worth of at least four thousand dollars in the province for which he or she is appointed;

Whereas a person's personal circumstances or the availability of real property in a particular location may prevent him or her from owning the required property;

Whereas appointment to the Senate should not be restricted to those who own real property of a minimum net worth;

Whereas the existing real property qualification is inconsistent with the democratic values of modern Canadian society and is no longer an appropriate or relevant measure of the fitness of a person to serve in the Senate;

Whereas, in the case of Quebec, each of the twenty-four Senators representing the province must be appointed for and must have either their real property qualification in or be resident of a specified Electoral Division;

Whereas an amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;

Whereas the Supreme Court of Canada has determined that a full repeal of paragraph (3) of section 23 of the *Constitution Act, 1867*, respecting the real property qualification of Senators, would require a resolution of the Quebec National Assembly pursuant to section 43 of the *Constitution Act, 1982*;

Now, therefore, the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by His Excellency the Governor General under the Great Seal of Canada in accordance with the Schedule hereto.

SCHEDULE

AMENDMENT TO THE CONSTITUTION OF CANADA

1. (1) Paragraph (3) of section 23 of the *Constitution Act, 1867* is repealed.

(2) Section 23 of the Act is amended by replacing the semi-colon at the end of paragraph (5) with a period and by repealing paragraph (6).

2. The Declaration of Qualification set out in The Fifth Schedule to the Act is replaced by the following:

I, *A.B.*, do declare and testify that I am by law duly qualified to be appointed a member of the Senate of Canada.

3. This Amendment may be cited as the *Constitution Amendment, [year of proclamation]* (Real property qualification of Senators).

(On motion of Senator Gold, debate adjourned.)

BANKING, TRADE AND COMMERCE

MOTION TO AUTHORIZE THE COMMITTEE TO STUDY THE OPERATIONS OF THE FINANCIAL CONSUMER AGENCY OF CANADA, THE OMBUDSMAN FOR BANKING SERVICES AND INVESTMENTS AND THE CHAMBERS BANKING OMBUDS OFFICE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion, as amended, of the Honourable Senator Ringuette, seconded by the Honourable Senator Lankin, P.C.:

That the Standing Senate Committee on Banking, Trade, and Commerce be authorized to:

(*a*) Review the operations of the Financial Consumer Agency of Canada (FCAC), the Ombudsman for Banking Services and Investments (OBSI), and ADR Chambers Banking Ombuds Office (ADRBO);

(*b*) Review the agencies' interaction with and respect for provincial jurisdictions;

(*c*) Review and determine best practices from similar agencies in other jurisdictions;

(*d*) Provide recommendations to ensure that the FCAC, OBSI, and ADRBO can better protect consumers and respect provincial jurisdiction; and

That the Committee submit its final report no later than March 18, 2018, and retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

(On motion of Senator Ringuette, for Senator Marwah, debate adjourned.)

"SOBER SECOND THINKING" PROPOSAL

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Wallin, calling the attention of the Senate to the proposal put forward by Senator Harder, titled "Sober Second Thinking", which reviews the Senate's performance since the appointment of independent senators, and recommends the creation of a Senate business committee.

(On motion of Senator Cools, debate adjourned.)

[*Translation*]

SILVER ALERT

INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Wallin, calling the attention of the Senate to the Silver Alert concept, which mirrors the successful AMBER Alert system, and which is focused on helping the more than 700,000 Canadians living with dementia or Alzheimer's and their families and caregivers and is aimed at helping to locate missing cognitively impaired adults.

Hon. Marie-Françoise Mégie: Honourable senators, I rise today to support the inquiry on the Silver Alert system. I thank Senator Wallin for taking the initiative to bring this matter to the Senate's attention.

No doubt you have heard or read news stories about an elderly person going missing from their home or seniors' residence. Some of these people are quickly located, wandering aimlessly on the side of a highway. Sadly, others are found days later, buried in snow. Their families and caregivers can only wait for news, overwhelmed with anguish and guilt.

This behaviour is referred to as "exit seeking." It is important to understand that when an elderly person with dementia wanders away from home, it is a very different situation from when a young person deliberately, voluntarily, and sometimes temporarily runs away from home.

What is exit seeking in a cognitively impaired person? The term may sound odd in this context, but exit-seeking behaviour is a frequent manifestation of agitation in cognitively impaired individuals. It may be related to several factors, such as a state of confusion, where the person doesn't realize they are at home and leaves to look for their home, or at least what they think is their home; a desire to be useful, where the person goes out to do something like pick their child up at school, even though that child is now an adult and hasn't been in school for a long time; an attempt to flee from a real or perceived threat; or wandering, which is common among people with cognitive impairments. The person wanders constantly, yet aimlessly, and if they come across an open door or one that's easy to open, they will go out and just keep walking. Unfortunately, due to spatial disorientation, they can't find their way back to their home or care facility.

As you know, dementia is the most common neurodegenerative disorder. According to the Alzheimer Society of Canada, an estimated 747,000 people in Canada suffer from dementia, and that number will rise to about 1.4 million by 2031. Dementia becomes more prevalent with age. That being said, it is important to point out that some statistics show that 60 per cent of people with dementia are prone to exit-seeking behaviour.

Given the growing number of people aged 65 and older and the growing prevalence of dementia in that age group, it is clear that the Silver Alert strategy is very important.

A few years ago, an identity bracelet displaying the dementia patient's contact information was proposed as a way to help families cope with exit-seeking behaviour. Such bracelets help neighbours and the police identify dementia patients and bring them home. Thanks to technological advances, locks with alarms can be installed on outside door handles in order to alert the caregiver if the dementia patient tries to leave the house. Silent alarms with magnetic release mechanisms are also used. It has also become common practice to have dementia patients wear bracelets or necklaces with GPS trackers, which connect to a cell phone or even to a computer screen in some seniors' residences. Despite all of these measures, people with dementia can still manage to escape the vigilance of their loved ones or caregivers.

Meanwhile, the Alzheimer Society of Canada and its provincial and local counterparts have launched a national awareness campaign called Dementia Friends. This initiative helps the public learn about the effects of cognitive disorders on daily life and also provides appropriate support for people with dementia in their community.

As its name suggests, this program trains people in the community to identify those suffering from cognitive impairment and support them in their daily lives. Now that they understand the disease, these friends are better able to interact with those affected by it, decreasing the risk of aggressive behaviour. People with dementia can then be dealt with safely, in a manner consistent with their condition. Information is made available to the general public and not just family members. Thus, anyone can become a friend by following the on-line instructions available in both official languages.

This project is part of an international movement inspired by the program Dementia Friends — United Kingdom, which was in turn modeled after a similar Japanese program.

Above and beyond what was mentioned, the people involved should be guided by a team providing interdisciplinary care, at home or in a seniors' residence. The Silver Alert system would only improve the safety and protection of people with dementia.

It is similar to the AMBER Alert system, which was designed to alert the public when a child goes missing. This system relies on the collaboration of the police and media to send out a message asking people to be on the lookout for the missing person. About 30 U.S. states, as well as Manitoba, Alberta, and British Colombia have an alert system for missing seniors.

According to American statistics on Silver Alerts, between 92 per cent and 99 per cent of lost seniors are found safe and sound, and between 13 per cent and 27 per cent of these happy outcomes are the direct result of the Silver Alert system.

The National Strategy for Alzheimer's Disease and Other Dementias Act passed in the Senate last year. Building on that legislation, we need to support the proposal to adopt a national framework on the Silver Alert, which would be a meaningful gesture in support of families dealing with this problem.

Accordingly, honourable senators, for the safety of our seniors and some of the most vulnerable people in our society, which could include our loved ones and even us at some point, let's throw our support behind this inquiry for a Silver Alert.

Thank you.

Hon. Senators: Hear, hear!

(On motion of Senator Omidvar, for Senator Bernard, debate adjourned.)

• (1640)

[*English*]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE WITHDRAWN

On Motions, Order No. 349, by the Honourable A. Raynell Andreychuk:

> That the Standing Senate Committee on Foreign Affairs and International Trade have the power to meet, Wednesday, June 13, 2018, at 4:15 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

Hon. A. Raynell Andreychuk: I want to withdraw No. 349 as it was a request for sitting when the Senate was sitting. We cancelled our meeting, so I'll withdraw the motion.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon Senators: Agreed.

(Motion withdrawn.)

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES RELATING TO FOREIGN RELATIONS AND INTERNATIONAL TRADE GENERALLY

Hon. A. Raynell Andreychuk, pursuant to notice of June 11, 2018, moved:

> That, notwithstanding the order of the Senate adopted on Wednesday, June 21, 2017, the date for the final report of the Standing Senate Committee on Foreign Affairs and International Trade in relation to its study on such issues as may arise from time to time relating to foreign relations and international trade generally be extended from June 30, 2018 to June 30, 2019.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON THE STUDY OF THE POTENTIAL IMPACT OF THE EFFECTS OF CLIMATE CHANGE ON THE AGRICULTURE, AGRI-FOOD AND FORESTRY SECTORS

Hon. Diane F. Griffin, pursuant to notice of June 11, 2018, moved:

> That, notwithstanding the order of the Senate adopted on Thursday, March 9, 2017, the date for the final report of the Standing Senate Committee on Agriculture and Forestry in relation to its study on the potential impact of the effects of climate change on the agriculture, agri-food and forestry sectors be extended from June 30, 2018 to December 21, 2018.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO DEPOSIT TWO INTERIM REPORTS ON THE STUDY OF ISSUES RELATING TO SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY GENERALLY WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Art Eggleton, pursuant to notice of June 11, 2018, moved:

> That the Standing Senate Committee on Social Affairs, Science and Technology be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate two interim reports on issues relating to social affairs, science and technology generally, between June 18 and September 14, 2018, if the Senate is not then sitting, and that the reports be deemed to have been tabled in the Senate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF EMERGING ISSUES RELATED TO ITS MANDATE AND MINISTERIAL MANDATE LETTERS WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. David Tkachuk, pursuant to notice of June 12, 2018, moved:

> That the Standing Senate Committee on Transport and Communications be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate an interim report relating to its study on emerging issues related to its mandate and ministerial mandate letters, between July 2 and September 28, 2018, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

THE SENATE

MOTION TO URGE THE GOVERNMENT TO INITIATE CONSULTATIONS WITH VARIOUS GROUPS TO DEVELOP AN ADEQUATELY FUNDED NATIONAL COST-SHARED UNIVERSAL NUTRITION PROGRAM—DEBATE ADJOURNED

Hon. Art Eggleton, pursuant to notice of June 13, 2018, moved:

> That the Senate urge the government to initiate consultations with the provinces, territories, Indigenous people, and other interested groups to develop an adequately funded national cost-shared universal nutrition program with the goal of ensuring healthy children and youth who, to that end, are educated in issues relating to nutrition and provided with a nutritious meal daily in a program with appropriate safeguards to ensure the independent oversight of food procurement, nutrition standards, and governance.

He said: I'll try not to take too long, colleagues.

I rise to speak on my motion calling for a national youth nutrition program. Just over two years ago, when I was then deputy chair of the Standing Senate Committee on Social Affairs, Science and Technology, we released a report titled *Obesity in Canada: A Whole-of-Society Approach for a Healthier Canada.*

During that study, we learned that children were growing up in a society that increasingly reinforces bad eating habits and actually works against achieving a healthy lifestyle. One of the recommendations in our report was for the Minister of Health to work with provincial and territorial counterparts to advocate for youth breakfast and lunch programs as well as nutrition literacy courses.

This is important because a publicly funded youth meal program addresses the problem of hunger and fosters a healthy relationship with food. It not only provides access to nutritious meals but can also be a valuable tool to facilitate student success and well-being. A universal nutrition program would provide a nutritious meal to all children; it would support the development of healthy eating patterns for all children, regardless of income.

The link between nutrition and its impact on health is indisputable. Healthy diets have been consistently linked with heart disease, stroke, hypertension, diabetes and some cancers. The Canadian Medical Association estimates that poor diets caused over 65,000 deaths in Canada in 2010 alone.

Honourable senators, right now in Canada about 13 per cent — and this is what we found in our report — of children are obese with another 20 per cent being overweight. There has been a threefold increase in the proportion of obesity in the last three decades. Childhood obesity research tells us that obese children are unlikely to outgrow weight issues as they mature. The Childhood Obesity Foundation states that if current trends continue, by 2040, up to 70 per cent of adults aged 40 years will be overweight.

So, colleagues, to avoid this future, Canadian children need to get a healthier start today.

This will require contributions from all levels of society. Parents, teachers, coaches and the federal, provincial, territorial and local governments all have a role in this fight if we are to see an appreciable effect on the health of our children.

We know that children who eat nutritious meals feel better, and they learn better. Research findings from Harvard University have concluded that breakfast programs significantly improve students' cognitive abilities, allowing them to be more alert and pay better attention. They do better in terms of reading, math and other standardized test scores. Children getting breakfast at school do significantly better than their peers who do not eat breakfast. They get sick less often, and they have fewer episodes of dizziness, lethargy, stomach aches and ear aches. The evidence is clear and consistent.

So why in a wealthy country like Canada are so many children hungry and malnourished? All too often, many Canadian families do not have the time or the money to prepare healthy, complete meals for their families. As a result, the consumption of processed foods has increased drastically in the last few decades. The Canadian Medical Association reports that because less healthy foods are cheaper than healthier alternatives, individuals from lower-income homes tend to be more dependent on them for nourishment.

Canadian children, in particular, face serious challenges related to their diets. Only a third eat enough fruits and vegetables. One third of primary school students and two thirds of secondary students go to school without a nutritious breakfast. One quarter of calories consumed by children are from foods that are not recommended by Canada's Food Guide.

We need look no further than cafeterias in schools or sports arenas to see why this is the case. They offer pizza, chicken nuggets, fries, maybe a caesar salad — food options that aren't often nutritious. When you consider that children spend a large portion of their day in these places, it's important to make sure that healthy options are available. Health care costs us a lot, all of society, so we need to pay attention to the direction that this unhealthy situation is going.

How can we expect that to happen when current programs have no national standard for nutrition to aim for and cannot depend on reliable funding? In many cases, they take donations of unhealthy, processed foods. That happens in a lot of the breakfast programs in this country.

As I've mentioned in this chamber many times, we have immense challenges in our country when it comes to poverty. Too many Canadians cannot afford to put healthy food on the table. They need to rely on food banks to feed their families. According to Statistics Canada, over 1 million children live in poverty, representing about 17 per cent of Canadian children. In 2016, according to Food Banks Canada, almost 900,000 Canadians depend on food banks every month; one third of these are children.

Make no mistake. Poor lifestyle choices and malnutrition have significant repercussions on the health and education of our youth. While it may be hard to believe, obesity in children is a form of malnutrition. We've all seen the tragic images of malnourished children in other countries, and they tend to be thin and wasting away. But according to the World Health Organization, malnutrition, which literally means bad nutrition, refers to consuming too little or too much of the wrong foods. Malnutrition here in Canada sometimes involves eating too much unhealthy food and sugary soft drinks because they are cheaper.

In a recent UNICEF report published in the summer of 2017, Canada ranked thirty-seventh out of 41 countries on access to nutritional food for children. According to the Conference Board of Canada, Canada is one of the only members of the Organisation for Economic Co-operation and Development, the OECD, without a national youth nutrition program.

• (1650)

Honourable colleagues, no level of food insecurity among children is acceptable. As a country that prides itself as a world leader in health, whose government is focused on children and families, this is frankly shameful.

Finland has a successful national nutrition program where children are fed a balanced, healthy meal every day while sitting around the table in a communal way, as a supervisor teaches them about nutrition, healthy eating and about table manners. That's the combination for a national nutrition program for youth. In Brazil, school food programs by law must purchase 30 per cent of their food from small-scale local farmers.

You may be surprised to learn that our federal government already funds some programs providing nutritious meals to children. The Breakfast Club of Canada, which has helped new breakfast programs open in communities across the country, helps feed over 200,000 children every day. They received nearly half a million dollars in funding from the federal government in the 2016 fiscal year.

This past October, the Minister of Health announced that the Public Health Agency of Canada would invest over $1.2 million over three years in a program called Farm to School: Canada Digs In! This program promotes healthy eating, physical activity and wellness, and addresses the common risk factors that underlie major chronic diseases. As the Minister of Health said:

> I am pleased to announce the Government of Canada's support for this project that will make it easier for Canadian children and youth in schools and on campuses to access and learn about healthier food. Encouraging children and youth to try healthy food options, and learn more about where their food actually comes from, will help build the foundation for a lifetime of healthy eating.

Senators, we don't need to reinvent the wheel. Many groups across the country, like the Breakfast Club of Canada, are already running nutritious programs we can learn from and build upon for the rest of the country.

The City of Toronto, my hometown, runs many youth nutrition-related programs. One shining example is the Toronto District School Board's free morning meal pilot program introduced in selected schools in the region. Their objective was to determine the impact of the program on student health, behaviour, attendance, attention and achievement. They found that students who ate breakfast three days or more per week had improved behaviour, reduced tardiness, reduced incidence of disciplinary problems, improved ability to stay on task and were more likely to have academic success compared to those who didn't.

Alberta and Nova Scotia recently increased investment in school food programs, and many jurisdictions are exploring how healthy food can best be provided.

Not-for-profits from across the country are finding innovative ways not only to feed children but to also teach them how to cook, garden and to strengthen school communities with food.

The problem is that there are no national standards for what healthy foods are, for healthy foods served in schools and sports facilities. Nutrition standards are, for the most part, a patchwork of flimsy, inconsistent guidelines with wide variations of nutrition criteria among provinces. Some still permit the sale of foods with high fat, high salt and high sugar content. This leads to unequal access to nutritious foods for children across the country.

I believe the timing of this motion couldn't be better because the Minister of Health is currently revising the *Canada Food Guide* as part of the government's Healthy Eating Strategy. This would be a natural extension of that strategy.

Honourable colleagues, we can no longer turn a blind eye to what is quickly becoming a health crisis in our country. If we want to improve the health of our population, we need to instill healthy eating habits in people when they are young. Initiating a universal nutrition program where all Canadian children can get access to healthy food and also learn about nutrition is the right thing to do, and it's right to do it now.

Thank you very much.

Hon. Senators: Hear, hear!

(On motion of Senator Martin, debate adjourned.)

MOTION TO URGE THE GOVERNMENT TO CEASE DIPLOMATIC RELATIONS WITH IRAN—DEBATE ADJOURNED

Hon. Leo Housakos, pursuant to notice of June 13, 2018, moved:

That, in light of the Government of Canada's recent significant shift in its foreign policy relating to Iran, which does not reflect the Senate's recent decision to reject the principles of Bill S-219, An Act to deter Iran-sponsored terrorism, incitement to hatred, and human rights violations, including an annual report of Iranian human rights violations, the Senate now:

(*a*) strongly condemn the current regime in Iran for its ongoing sponsorship of terrorism around the world, including instigating violent attacks on the Gaza border;

(*b*) condemn the recent statements made by Supreme Leader Ayatollah Ali Khamenei calling for genocide against the Jewish people;

(*c*) call on the government to:

(i) abandon its current plan and immediately cease any and all negotiations or discussions with the Islamic Republic of Iran to restore diplomatic relations;

(ii) demand that the Iranian Regime immediately release all Canadians and Canadian permanent residents who are currently detained in Iran, including Maryam Mombeini, the widow of Professor Kavous Sayed-Emami, and Saeed Malekpour, who has been imprisoned since 2008; and

(iii) immediately designate the Islamic Revolutionary Guard Corps as a listed terrorist entity under the *Criminal Code* of Canada; and

(*d*) stand with the people of Iran and recognize that they, like all people, have a fundamental right to freedom of conscience and religion, freedom of thought, belief, opinion, and expression, including freedom of the press and other forms of communication, freedom of peaceful assembly, and freedom of association.

He said: Honourable senators, I rise today to speak on the motion I believe is very important in righting a wrong that has been undertaken by the Liberal government and righting a wrong that was done in this chamber just one month ago.

Colleagues, a few days ago, we saw the government completely reverse itself on a very significant policy issue. Just one month ago, in this very chamber, the government leader was arguing strongly that former Bill C-219 proposed by our colleague Senator Tkachuk would set Canada on a unilateral track, putting it out of step with the international community.

Bill S-219 proposed that the sanctions Canada already had in place against the Iranian regime would not be eased unless two consecutive annual reports concluded that there was no credible evidence the regime was supporting international terrorism or inciting hatred, and that there was significant progress in Iran with respect to human rights.

At the same time, Senator Harder argued that the adoption of such legislation would put Canada out of step with its allies. Specifically, he claimed:

> . . . by taking action that doesn't match the actions of our allies and partners, this bill would have a very limited impact on Iran's respect for human rights and its support for terrorism.

Instead, the government's alternative approach was outlined in a letter that was sent out to my colleague Senator Andreychuk as Chair of the Standing Senate Committee on Foreign Affairs and International Trade. In that letter, the government stated:

> The Government believes that it is through dialogue, not withdrawal and isolation, that it can advance Canada's interests . . . .

It also stated that:

> . . . Bill S-219 would . . . limit the capacity of the Government of Canada to pursue and eventually conclude a complex process to re-establish diplomatic ties with Iran.

What a difference a month makes. Earlier this week, the Liberal government appeared to condemn the Iranian regime for "its ongoing sponsorship of terrorism around the world." This government also appeared to agree to abandon its current plan of engaging with Iran, cease all negotiations or discussions to restore diplomatic relations, and to immediately designate the Islamic Revolutionary Guard Corps as a listed terrorist entity under the Criminal Code of Canada.

My only question is this: Why has it taken so long?

When the government said in its letter to Senator Andreychuk that it wanted to restore diplomatic relations with Iran, Iran had already been supporting international terrorism for many decades. As we on this side of the chamber said when we debated Bill S-219, Iran's revolutionary Islamist ideology has led it to support international terrorism and terrorist groups, including al Qaeda, Hamas and dozens of others. It is this ideology that is the foundation of its international policy.

The Iranian regime has, for four decades, been the leading supporter of Hezbollah, which is arguably the most powerful terrorist entity in the world. Hezbollah, in fact, is so powerful that it constitutes a state-within-a-state in Lebanon. Hezbollah is not only committed to the destruction of the only democracy in the Middle East, the State of Israel, it is heavily engaged in the civil war in Syria and closely allied with the regime of Bashar al-Assad.

Together, Iran, Hezbollah and the Assad regime are a terrorist troika in the region.

A wide range of open-source literature tells us that Iran has bankrolled Hezbollah; provided it with arms, including long-range missiles that are now capable of striking at most parts of Israel; and provided that terrorist group with advice and leadership. It has done this in a complete violation of the United Nations Security Council resolutions.

What is shocking in terms of our debate here today is that the Government of Canada has known this for a very long time. That is partly why, honourable senators, the previous Conservative government, quite correctly, severed diplomatic relations with the Iranian regime.

It is important to recognize how unusual a complete break in diplomatic relations is in the international community. There are few states with which Canada has completely severed relations, but it is a demonstration of the threat that this regime poses to international peace and security that Canada took these steps in this particular case.

• (1700)

Given the nature of the Iranian regime, it is scarcely surprising that the "dialogue" that the current government sought to pursue with Iran has not succeeded.

Fundamentally, a regime that seeks to overturn the international order is not suddenly going to change its strategy or tactics because a country that is very far away — in this case, Canada — demands that it does so. Yet, somehow, until recently the government has clung to that idea and many self-described independent senators in this chamber clung to the same idea.

When he spoke on Bill S-219, the bill that would have established a principled foundation for Canada's policy with Iran, Senator Woo said that were that bill to be adopted, it would:

> . . . damage Canada's efforts to foster positive change in Iran through a restoration of diplomatic ties with Tehran.

I trust, now that the government seems to have rethought its position, that senators in this chamber will at least reflect and reconsider the positions they too have advanced as an institution, here.

I believe that what has likely given the government pause is the fact that the Iranian regime has so obviously spurned Canadian efforts in the cases of Maryam Mombeini, Kavous Sayed-Emami and Saeed Malekpour. What is unfortunate and tragic is that although these cases are shockingly egregious, they are just three of the tens of thousands of people who have been imprisoned, abused, tortured and murdered by the regime over many decades.

We have taken notice of these cases because of the connection of these individuals to our country, Canada — their adopted nation. Perhaps these cases have brought the thousands and, indeed, millions who have suffered under the policies of the Iranian regime into sharp focus for us. Whatever the reason it is heartening that the government has, at least as of this week, changed its approach.

To establish a foundation for a better policy, I would recommend to the Prime Minister, the government, Minister Freeland, Senator Harder and, indeed, the entire cabinet, that the framework laid out in Bill S-219 provides the best basis for that stronger and principled approach.

The government showed this week that a change of course, away from what clearly has not been working to what actually might work, is possible.

Therefore, I believe that this is the moment where the Senate, too, can demonstrate similar wisdom and sober second thought. A mistake was made by this institution when it defeated Bill S-219 last month. I believe that by voting for this motion we can contribute to putting the policy of the Government of Canada on a stronger foundation.

As the government leader, Senator Harder, said yesterday, in his response to my question about restoring the policy of the previous government, including imposing sanctions: "I hope this is an issue on which Canadians and Parliamentarians can be united."

I couldn't agree with you more, Senator Harder, and I thank you for your support for this motion, colleagues.

Thank you very much.

(On motion of Senator Tkachuk, debate adjourned.)

POWERS AND DUTIES OF THE AUDITOR GENERAL

1987 *PETROFINA* CASE — INQUIRY — DEBATE CONCLUDED

Hon. Anne C. Cools rose pursuant to notice of June 7, 2018:

> That she will call the attention of the Senate to the powers and duties of the Auditor General of Canada, the officer authorized by the *1977 Auditor General Act* to be "the auditor of the accounts of Canada," which officer and office was first constituted in 1878 by the statute *An Act to Provide for the Better Auditing of the Public Accounts*; and to the 1987 Petrofina Case in the Federal Court of Appeal respecting the Auditor General's demand for access to specific documents respecting the purchase of Petrofina Inc. wherein Justice Pratte, concurring with the lead Justice Heald, ruled, saying "The respondent is the 'auditor of the accounts of Canada.' He is not the auditor of the accounts of Crown corporations like Petro-Canada."

She said: Honourable senators, I rise to speak to my Inquiry No. 49. Tonight, I speak to the unique litigation in the Federal Court of Canada, at the instance of Kenneth Dye, the then Auditor General of Canada from 1981 until 1991. This litigation was known as the 1987 *Petrofina* case. Indexed in the courts as *Canada (Auditor General) v. Canada (Minister of Energy, Mines and Resources)*, the *Petrofina* lawsuit attracted much attention largely because of the high political status of the litigant parties and the nature of the litigation itself.

At the heart of the *Petrofina* case was the Auditor General's demand that the Minister of Energy, Mines and Resources and the Minister of Finance, and also their deputy ministers, provide the Auditor General with particular documents, specifically the documents respecting the valuation of Petrofina Inc. shares that the Government of Canada had purchased and acquired. For those who are new here, this was shortly after the Government of Canada had purchased Petrofina Canada Ltd. from its previous Belgian owners.

Colleagues, on appeal in 1987 to the Federal Court of Appeal, questions arose respecting the mandate, authority and legal powers of the Auditor General in the matters at hand. On January 22, 1987, in the Federal Court of Appeal, Justice Darrel Heald ruled, at paragraph 15 of his learned judgment, that:

> I do not think a proper interpretation of subsection 13.(1) of the Auditor General Act leads to the conclusion that, pursuant to the authority of that subsection, the Auditor General has the right, on the facts of this case, to access all Cabinet documents dealing with the Petrofina acquisition. Likewise, I have the view that subsection 13.(1) does not entitle the Auditor General to access the records of Petro-Canada. Subsection 13.(1) requires careful analysis. It reads:
>
> > 13.(1) Except as provided by any other Act of Parliament that expressly refers to this subsection, the Auditor General is entitled to free access at all convenient times to information that relates to the fulfilment of his responsibilities and he is also entitled to require and receive from members of the public service of Canada such information, reports and explanations as he deems necessary for that purpose.

The Federal Court of Appeal's Justice Heald continued, at paragraph 16:

> The opening portion of subsection 13.(1) which restricts the Auditor General's access to information relating to the "fulfilment of his responsibilities," is separated from the remainder of the subsection by the word "and." Thus, the broad discretion conferred upon the Auditor General in the second portion of the subsection refers only to the "public service," and not to Ministers of the Crown, the Queen's Privy Council or the employees of Petro-Canada.

Colleagues, Mr. Justice Heald was clear that within the broad powers granted to the Auditor General by section 13.(1) of the Auditor General Act, the phrase "the fulfillment of responsibilities" applies to the Auditor General solely and exclusively in his constitutional capacity as the auditor of the public accounts and the public expenditure of Canada.

Honourable senators, our Sovereign Queen, the Senate and the Commons are not subject to the Auditor General's audit compulsion or subpoenas. Federal Court of Appeal Justice Louis Pratte concurred with Justice Heald and ruled, at paragraph 3, that:

> The respondent is "the auditor of the accounts of Canada." He is not the auditor of the accounts of Crown corporations like Petro-Canada. Whatever be his rights under sections 13 and 14, he may only exercise them in fulfilling his responsibility as auditor of the accounts of Canada.

Colleagues, later, in 1989, the Auditor General appealed the *Petrofina* case to the Supreme Court of Canada. In ruling, Supreme Court Chief Justice Brian Dickson held that the Auditor General's powers and duties are limited to those powers and duties enacted in his statute, the 1977 Auditor General Act, by the Parliament of Canada, being the Queen's representative, the Governor General, the Senate and the House of Commons. Supreme Court Chief Justice Dickson, upholding Parliament's role, ruled in his Supreme Court judgment, at page 103, that:

> The *grundnorm* with which the courts must work in this context is that of the sovereignty of Parliament. The ministers of the Crown hold office with the grace of the House of Commons and any position taken by the majority must be taken to reflect the sovereign will of Parliament. Where Parliament has indicated, in the Auditor General Act, that it wishes its own servant to report to it on denials of access to information needed to carry out his functions on Parliament's behalf, it would not be appropriate for this Court to consider granting remedies for such denials, if they do, in fact, exist.

Honourable senators, these learned superior court judges of both the Federal Court and the Supreme Court of Canada were clear on the nature, character and limits on the powers of the Auditor General, as stated and enacted in the 1977 Auditor General Act, which grant him no powers whatsoever to audit the two houses of Parliament, and most particularly not this Senate. Sadly, the Auditor General saw life differently.

Colleagues, all this begs the question when we look at Auditor General Ferguson's 2013-15 audit examination of the Senate and senators' expenses, as I shall do now.

Honourable senators, on June 4, 2015, only days before the Senate summer recess that year, the Auditor General of Canada, Michael Ferguson, delivered his duly signed but long overdue report on his perplexing two-year audit examination of the Senate and senators' expenses to the Senate Speaker, the Honourable Senator Leo Housakos, in the words:

• (1710)

> I have the honour to transmit herewith this June 2015 Report of the Auditor General of Canada to the Senate of Canada - Senators' Expenses. This Report completes the comprehensive audit of Senate expenses, including Senators' expenses that the Senate requested in June 2013.
>
> Yours sincerely,
>
> Michael Ferguson, CPA, CA, FCA (New Brunswick)
>
> OTTAWA, 4 June 2015.

Colleagues, the Auditor General's transmission statement described his egregious Senate audit examination as his response to the Senate's June 5, 2013, audit request to him. This odd term, "request," appears to be a legal attempt to justify his audit examination of senators, which audit was neither authorized nor permitted by the Auditor General Act. In short, the Auditor General had no statutory authority, nor power, to conduct this audit exam of senators. This absence of such statutory authority is a shadow that continues to loom over this Senate and senators, not easily forgotten nor overlooked. And we will reach the place where senators were referred to the police, if we will recall. We will get there.

Honourable senators, the Auditor General's transmission statement failed to clearly express and identify the specific legal and statutory power, and its related section of the Auditor General Act, on which the Auditor General relied as the appropriate legal authority for his unusual and prolonged audit examination of the Senate and senators.

An. Hon. Senator: And costs.

Senator Cools: And costs. That was huge. We will get there in a moment.

His transmission statement was wholly silent on this vital fact in this highly publicized audit examination of senators and the Senate. This omission reveals the colossal constitutional quagmire that was, and still is, the Auditor General's 2013-15 audit examination of the Senate and senators.

I note that current and past Auditor General statutes have never intended, granted, nor enacted any legal or statutory power to authorize the Auditor General to conduct audit examinations of the one Parliament of Canada's two houses, being the Senate and the House of Commons, and, most particularly, no audit examination of such politicized and exaggerated proportions. This audit of the Senate and senators was its own politics, actually bad politics, actually very bad politics, that insisted and persisted in this unique political and constitutional embarrassment that humiliated and diminished the Senate and senators, whom this June 2015 audit report maligned. In particular, I speak of the 30 senators, each of whom was wilfully and personally identified, individually by name, in this audit report. I repeat: Each of these senators was named and blamed. Until then, I had never encountered any such actions in any Auditor General's report — and believe you me, I have read many of them.

This audit report was also unusual in its hurtful actions that assigned to our Honourable Senate Speaker, Senator Leo Housakos, the unusual and unpleasant task of delivering the files of 9 of the 30 named and identified senators to the Royal Canadian Mounted Police for investigation. This was odd, because the Senate's referral and orders of reference powers are limited solely to its Senate and Senate committee business, which do not extend to, or even contemplate, the referral of senators' files to the police, on the wish of the Auditor General of Canada. I shall quote the June 2015 Auditor General's report at page 27 thus:

> The Office of the Auditor General's responsibility was to conduct an independent, comprehensive audit of Senate expenses, including Senators' expenses, and provide objective information, advice, and assurance to the Senate to assist in the scrutiny of the Senate's management of

> resources. This performance audit is the first in which the Office of the Auditor General has audited expenses incurred by individual Senators. In this sense, it differs from most of the Office's performance audits, in that the subject of the audit was a set of individuals, rather than an institution. The Audit results are therefore reported both for the Senate as a whole and for individual senators.

Colleagues, the Auditor General was both the architect of the Senate audit and the author of his report; yet, in his last sentence, he expressed his audit findings not in the active voice but in the passive voice, saying:

> The Audit results are therefore reported both for the Senate as a whole and for individual senators.

Honourable senators, this indulgent and extravagant use of public funds on this Senate audit was wholly unjustified and wholly unnecessary. University of Calgary Professor Lee Tunstall noted this fact. In a June 16, 2015, *Huffington Post* online piece, Tunstall wrote:

> The auditor general spent around $23 million on this investigation, and found less than $1 million in questionable expenses — out of $180 million worth of expenses investigated. So we, the ever-patient, ever-indulgent taxpayers, spent $23 million to find out that 0.5 per cent of Senate expenses were questionable. Should we be outraged? Yes, by the dollar cost of the investigation, and by the cost to the reputation of Canada's upper house.

I also note a June 9, 2015, ipolitics.ca article by Ian MacDonald on the Auditor General's audit of the Senate and senators, titled "The AG and the Senate: $23 million to catch $1 million? Are we kidding?" Ian Macdonald wrote:

> It isn't just senators' reputations that are on the line — it's Ferguson's as well. Leave aside for a moment the nine senators referred to the RCMP; should Binnie dismiss his conclusions about many or most of the Senate 21, Ferguson's reputation for competence — not to mention that of his consultants — would be in trouble. He'd need to consider his own future at that point, if only for the integrity and standing of the AG's office.

Colleagues, this June 2015 Auditor General report made several general findings respecting oversight, accountability and transparency of senators' expenses. It also made some general recommendations regarding procedural improvements in senators' expense claims. This report contained two appendices, the first of which had the heading "Appendix A Files recommended for referral to other authorities." This Appendix A named and identified the cases and files of the nine senators whom the Auditor General had recommended that our Senate Internal Economy Committee refer to other authorities for further investigation; that meant criminal investigation by the Royal Canadian Mounted Police.

The second heading was titled "Appendix B" and contained another 21 named and identified senators whom the Auditor General had recommended be further assessed by the Standing Senate Committee on Internal Economy, Budgets and Administration.

The Auditor General's June 2015 audit report to the Senate on senators' expenses stated that the reason for including these nine senators in Appendix A, as opposed to Appendix B, was that the cases of the nine senators fell into one or both of the two categories, largely because the affected senators had made ineligible living expense claims based on an unsubstantiated declaration of their primary residence or, in the Auditor General's own words at paragraph 119 on page 23 of his report, that:

> There was such a pervasive lack of evidence, or significant contradictory evidence, that we were prevented from reaching an audit opinion about whether the expenses had been incurred for parliamentary business. . . .

Honourable senators, I note that the Auditor General offered no audit, legal or parliamentary reasons why these particular factors were sufficient grounds to engage criminal investigation and criminal prosecution for these senators whose files were delivered to the RCMP.

This is the Senate of Canada. That kind of behaviour is simply not acceptable from any office-holder.

In fact, the Auditor General's 2015 audit report provided no explanation whatsoever as to just why concerns about expense claims respecting primary residence warranted referral to the RCMP —

The Hon. the Speaker: Senator Cools, your time has expired. Are you asking for five more minutes?

Senator Cools: Yes, I am. Thank you.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Cools: Thank you.

— for criminal investigation, whereas those related to other claims did not. Similarly, there is no indication as to why the Auditor General's prevention from reaching an audit opinion was an indicator that there were issues deserving the heavy hand of criminal investigation that is necessary to lay criminal charges that engage criminal prosecution in all of its full force and gravity.

• (1720)

I speak of the *mens rea* fact, known as the criminal or guilty mind. *Mens rea* suggests or asserts that the named and identified senator possessed both knowledge of and intent to commit wrongdoing respecting these wrongful expense claims. Neither does Mr. Ferguson's June 2015 audit report to the Senate on senators' expenses articulate how and why the Auditor General's concerns respecting willful unlawful conduct led him to his report's recognition that there were differing views among senators about the effect of the changes to the *Senators' Travel Policy*.

Honourable senators, common among the auditor's findings contained in his report's Appendix A are findings that senators' declarations of primary residence were not properly made and

that senators' expenses were not incurred for parliamentary business. In some cases, these findings were express findings of improper expenses, and in other cases they were simply expenses that the Auditor General was "unable to determine" were proper. Auditor General Ferguson himself suggests that, in some cases, this inability was owed to an apparent, even evident, unwillingness on the part of some senators to provide their documents and records to him. It is unclear whether senators' reluctance arose from their concerns about the Auditor General's jurisdiction, even though there had already been speeches from the floor of the Senate, notably my own speech on June 6, 2013, wherein I asserted that the Auditor General had no power, authority and jurisdiction to audit this Senate and senators.

Thank you, colleagues, for your attention. I have three more of those speeches to give in the next many days. I thank you.

I shall use my last minute. We can never know the pain and the anguish and the agony that those senators went through when they were informed that their files were being handed over to the police. I knew all of those senators, and I would say I was very close to some of them. And, I tell you, I stood by them, and I made sure I supported them through that miserable agony and ordeal that they were put through for absolutely no reason.

Hon. Michael Duffy: I have a question for Senator Cools if she'll take it.

Senator Cools: Happily.

The Hon. the Speaker: Two minutes.

Senator Duffy: Is Senator Cools aware of a report in *The Huffington Post* on December 1, 2015, that is headlined "Leo Housakos, Senate Speaker, Leaked Auditor General's Report: Sources"?

Senator Cools: I have heard of such a thing, and I believe I have read it. But I must confess you that I do not believe for a moment that Senator Housakos acted improperly.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, if no other senator wishes to speak, this matter is considered debated.

(Debate concluded.)

(At 5:23 p.m., the Senate was continued until Monday, June 18, 2018, at 6 p.m.)

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